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Colorado. Laws, statutes, etc.

Laws.

KFC

1825

A24

1917

Ex.

Sess.

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L A W S

PASSED AT THE
Twenty-First Session of the General
Assembly of the State of Colorado

CONVENED AT DENVER
THE THIRD DAY OF JANUARY, A. D. 1917

ALSO
Initiated and Referred Laws Passed By
Vote of the People at the General
Election Held November 7, 1916

Published by Authority of
JAMES R. NOLAND, SECRETARY OF STATE
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by Frank Leary



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1917

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By JAMES R. NOLAND,

Secretary of State, for the use of the State of Colorado, in
the office of the Librarian of Congress, at
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STATE OF COLORADO }
OFFICE OF THE SECRETARY OF STATE } ss.

I, JAMES R. NOLAND, Secretary of State of the State of Colorado, do hereby certify that by virtue of the authority vested in me by law, I have prepared for publication and caused to be printed a copy of all laws and resolutions passed by the Twenty-first General Assembly of the State of Colorado at the biennial session thereof; together with all initiated and referred laws which were passed by the vote of the people at the General Election held November 7, A. D. 1916; that I have caused to be compared the said printed laws, initiated and referred measures and resolutions with the original manuscript thereof now on file in my office, and that the following are true, full and correct copies thereof.

In Witness Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado. Done at Denver this first day of May, A. D. 1917.

JAMES R. NOLAND,
Secretary of State.

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AND

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30.
31.
32.
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50.
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56.
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58.	Alfred Booco.....	Yampa
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MEMBERS OF THE SUPREME COURT

S. Harrison White.....	Chief Justice.....	Pueblo
William A. Hill.....	Associate Justice.....	Fort Morgan
James C. Garrigues.....	Associate Justice.....	Greeley
Tully Scott.....	Associate Justice.....	Cripple Creek
James H. Teller.....	Associate Justice.....	Denver
Morton S. Bailey.....	Associate Justice.....	Canon City
George W. Allen.....	Associate Justice.....	Denver
James R. Killian.....	Clerk	Denver
James Perchard.....	Chief Deputy Clerk.....	Denver
A. H. White.....	Deputy Clerk.....	Denver
F. A. Richardson.....	Librarian	Denver
E. T. Wells.....	Reporter	Denver

DISTRICT JUDGES

Harry S. Class.....	First District.....	Brighton
John I. Mullins.....	Second District.....	Denver
Charles E. Butler.....	Second District.....	Denver
John A. Perry.....	Second District.....	Denver
John H. Denison.....	Second District.....	Denver
Julian H. Moore.....	Second District.....	Denver
A. C. McChesney.....	Third District.....	Trinidad
A. Watson McHendrie.....	Third District.....	Trinidad
J. W. Sheafor.....	Fourth District.....	Colorado Springs
J. E. Little.....	Fourth District.....	Colorado Springs
W. S. Morris.....	Fourth District.....	Colorado Springs
Charles Cavender.....	Fifth District.....	Leadville
Wm. N. Searcy.....	Sixth District.....	Silverton
Thomas J. Black.....	Seventh District.....	Montrose
Neil G. Graham.....	Eighth District.....	Fort Collins
Robert G. Strong.....	Eighth District.....	Greeley
John T. Shumate.....	Ninth District.....	Glenwood Springs
Chas. Z. Essex.....	Tenth District.....	Pueblo
J. E. Rizer.....	Tenth District.....	Pueblo
James L. Cooper.....	Eleventh District.....	Canon City
J. C. Wiley.....	Twelfth District.....	Del Norte
Haslett P. Burke.....	Thirteenth District.....	Sterling

DISTRICT ATTORNEYS

Samuel W. Johnson.....	First District.....	Edgewater
William E. Foley.....	Second District.....	Denver
Joseph W. Hawley.....	Third District.....	Trinidad
Willis L. Strachan.....	Fourth District.....	Colorado Springs
Barney L. Whatley.....	Fifth District.....	Breckenridge
George W. Lane.....	Sixth District.....	Durango
William Welser.....	Seventh District.....	Grand Junction
Russell W. Fleming.....	Eighth District.....	Fort Collins
Frank Delaney.....	Ninth District.....	Meeker
Charles B. Hughes.....	Tenth District.....	Pueblo
T. Lee Witcher.....	Eleventh District.....	Canon City
John I. Palmer.....	Twelfth District.....	Saguache
Robert M. Work.....	Thirteenth District.....	Fort Morgan

TWENTY-FIRST GENERAL ASSEMBLY

OFFICERS OF THE SENATE

James A. Pulliam.....	President	Durango
Wm. H. Adams.....	President pro tem.....	Alamosa
Charles A. Woodward.....	Secretary	Idaho Springs
A. C. Phelps.....	Asst. Secretary.....	Denver
Charles Dailey, Jr.	Reading Clerk.....	Aspen
J. W. Imboden.....	Docket Clerk.....	Greeley
Marie E. Egger.....	Senate Reporter.....	Denver
Rev. A. N. Evans.....	Chaplain	Denver
Len H. Rogers.....	Sergeant-at-Arms	Victor
John M. Woods.....	Asst. Sergeant-at-Arms.....	Ramah
E. J. Jordan.....	Asst. Sergeant-at-Arms.....	Denver

STATE SENATORS

NAME AND DISTRICT—

NAME AND DISTRICT—	Residence	Politics	Business
Adams, W. H. (24th).....	Alamosa	Democrat	Stockgrower
Andrew, Henry O. (5th).....	Boulder	Democrat	Attorney
Coldren, D. P. (7th).....	Ault	Democrat	Minister
Candlish, Wm. J. (6th).....	Leadville	Republican	Mining
Curran, Herbert E. (18th).....	Silverton	Republican	Attorney
Coltman, Thos. C. (23rd).....	La Junta	Democrat	Druggist
Dodge, Frank L. (1st).....	Denver	Republican	Merchant
DeBusk, S. W. (4th).....	Hoehne	Democrat	Merchant and Farmer
Dunklee, E. V. (1st).....	Denver	Democrat	Attorney
Dunlap, Perry C. (2nd).....	Pueblo	Democrat	Contractor
Eaton, Wm. R. (4st).....	Denver	Republican	Attorney
Elliot, David (3rd).....	Colorado Springs	Republican	Editor
Fincher, Siewers (26th).....	Breckenridge	Democrat	Insurance
Hattenbach, Leon M. (1st).....	Denver	Republican	Editor and Merchant
Hayden, Charles (14th).....	Walsenburg	Republican	Attorney
Hasty, J. S. (25th).....	Lamar	Republican	Physician
Hamilton, Charles B. (1st).....	Denver	Democrat	Investments
Hetherington, Geo. (11th).....	Gunnison	Democrat	Attorney
Knauss, Francis J. (1st).....	Denver	Republican	Attorney
Kluge, Herman W. (16th).....	Pallade	Democrat	Merchant
Lines, Matt N. (9th).....	Canon City	Republican	Locomotive Engineer
Lewis, George (20th).....	Victor	Democrat	Supt. Const. Port. G. M. Co.
Mitten, O. L. (12th).....	Wray	Republican	Grain Dealer
Means, Frank H. (15th).....	Saguache	Republican	Attorney
McWilliams, J. N. (13th).....	Steamboat Springs	Democrat	Stockgrower
Napier, B. T. (21st).....	Glenwood Springs	Democrat	Merchant
Peterson, W. O. (2nd).....	Pueblo	Republican	Attorney
Puffer, L. A. (3rd).....	Colorado Springs	Republican	Merchant
Riddle, Agnes (22nd).....	Denver	Republican	Farmer
Reilly, W. D. (27th).....	Kiowa	Democrat	Merchant and Banker
Staley, Wesley (8th).....	Arvada	Democrat	Banker
Schermerhorn, Fred (17th).....	Montrose	Democrat	Physician and Surgeon
Starkweather, J. C. (1st).....	Denver	Republican	Attorney
Wilkin, C. F. (10th).....	La Porte	Republican	Physician
West, George (19th).....	Durango	Democrat	Stockgrower

TWENTY-FIRST GENERAL ASSEMBLY

OFFICERS OF THE HOUSE

Boon Best.....	Speaker	Arlington
Erlo E. Kennedy.....	Chief Clerk.....	Denver
M. D. Bowen.....	Asst. Chief Clerk.....	Denver
Frank Leary.....	Reading Clerk.....	Denver
Dr. Sanford Bell.....	Docket Clerk.....	Denver
Edith M. Stewart.....	House Reporter.....	Denver
Rev. Robert T. Caldwell.....	Chaplain	Denver
C. F. Chase.....	Sergeant-at-Arms	Littleton
Capt. W. H. McDonald.....	Asst. Sergeant-at-Arms...	Grand Junction
Warner Ball.....	Asst. Sergeant-at-Arms.....	Denver
Bernard H. Bruce.....	Asst. Sergeant-at-Arms.....	Denver

REPRESENTATIVES—

	P. O. Address and Counties Represented	Politics	Occupation
Anderson, Fred D.	Denver, Denver.	Democrat.	Lawyer
Ardourel, Alphonse P.	Crisman, Boulder.	Democrat.	Miner
Baer, Charles.	Denver, Denver.	Republican.	Plumber
Banks, William E.	Loveland, Larimer.	Democrat.	Heavy Machinery, Farmer
Barlow, Ernest.	Glenwood Springs, Garfield and Rio Blanco.	Democrat.	Clerk
Bashor, M. E.	Ordway, Crowley and Otero.	Republican.	Farmer
Best, Boon (Speaker).	Arlington, Bent and Kiowa.	Democrat.	Rancher
Bills, Carroll M.	Denver, Denver.	Republican.	
Born, Robert M.	Alamosa, Alamosa.	Democrat.	Merchant
Bronaugh, Wm. A.	Monte Vista, Rio Grande.	Democrat.	Stockman
Canon, Benton.	Grand Junction, Mesa.	Democrat.	Real Estate and Mining
Cawfield, Sterling.	Nyburg, Pueblo.	Democrat.	Farmer and Stockman
Cole, Allyn.	Lamar, Prowers and Baca.	Republican.	Attorney
Colgate, Geo. E.	Canon City, Fremont.	Republican.	Horticulturist
Cross, J. W. S.	Telluride, San Miguel.	Republican.	Physician
Crosswhite, Chas. E.	Cherry or Castle Rock, Douglas.	Democrat.	Agriculture and Stock
Crowley, Clem F.	Denver, Denver.	Democrat.	Attorney
Downing, James M.	Aspen, Pitkin.	Republican.	Judge
DuPraw, B. H.	Ouray, Ouray.	Democrat.	Mining
Foster, Chas. A.	Pueblo, Pueblo.	Republican.	Railroad Man
Friend, Chas. E.	Mountain View, Jefferson.	Democrat.	Attorney
Frisbey, F. T.	Trinidad, Las Animas.	Democrat.	Teacher
Furrow, W. E.	Pagosa Springs, Hinsdale, Archuleta and Mineral.	Democrat.	Newspaper Man
Gallegos, Gaspar.	San Luis, Huerfano and Costillo.	Democrat.	Farmer and Stockman
Garcia, Celestino.	Antonito, Conejos.	Republican.	Stockman
Gill, Mark B.	Fort Morgan, Morgan and Washington.	Republican.	Farmer and Stockman
Girard, L. E.	Boulder, Boulder.	Republican.	Mining
Graves, C. R.	New Raymer, Weld.	Republican.	Newspaper
Harris, Robt.	Denver, Denver.	Republican.	Traveling Salesman
Heartz, Evangeline.	Denver, Denver.	Democrat.	Housewife
Herzberger, E. G.	Fowler, Crowley and Otero.	Democrat.	Attorney
Hutchens, Evert H.	Greeley, Weld.	Democrat.	Farmer

REPRESENTATIVES—	P. O. Address and Counties Represented	Politics	Occupation
Horton, W. J.	Olathe, Montrose.	Democrat.	Farmer
Jenkins, Wm. O.	Central City, Gilpin.	Democrat.	Banker
Kelley, Thomas H.	Hesperus, La Plata.	Democrat.	Mining and Banking
Kramer, A. H.	Aurora, Adams.	Republican.	Bus. Agt. Colorado Grange
Laube, Clifford J.	Rico, Montezuma and Dolores.	Democrat.	Publisher
Linton, Chas. T.	Denver, Denver.	Republican.	Accountant
Lucero, Andres.	Hoehe, Las Animas.	Democrat.	Farmer
Marold, Carl L.	Saguache, Saguache and Custer.	Democrat.	Stock and Farmer
Mayer, Chas.	Eagle, Eagle.	Democrat.	Rancher
Meyer, Arthur D.	Denver, Denver.	Democrat.	Printer
Mishou, Thomas.	Pueblo, Pueblo.	Democrat.	Contractor
Murphy, Frank W.	Spicer, Summit, Grand, Jackson.	Republican.	Stockman
McDonald, Don J.	Idaho Springs, Clear Creek.	Democrat.	Mining
Nagel, Henry P.	Victor, Teller and Park.	Republican.	Mining
Owen, Ernest W.	Leadville, Lake.	Democrat.	Theatre Manager
Proske, Theodore H.	Denver, Denver.	Democrat.	Mechanical Engineer
Rockwell, Robt. F.	Paonia, Delta.	Republican.	Stockman
Rodgers, Metz.	Silverton, San Juan.	Democrat.	Stationery Engineer
Rogers, Edmund.	Denver, Denver.	Democrat.	Attorney
Roth, John.	S. Denver Sta., Arapahoe and Elbert.	Democrat.	Farmer
Scott, John C.	Sterling, Logan and Sedgwick.	Republican.	Editor
Shockey, W. L.	Cripple Creek, Teller and Park.	Republican.	Druggist
Sims, Willis V.	Colorado Springs, El Paso.	Republican.	Mercantile Agency
Smith, Geo. W.	Hayden, Routt and Moffat.	Republican.	Publisher
Somerville, C. M.	Limon, Lincoln, Kit Carson, Cheyenne.	Democrat.	Attorney
Steele, Hugh R.	Denver, Denver.	Republican.	Mining
Studzinski, Mike.	Pueblo, Pueblo.	Democrat.	Real Estate
Thompson, T. J.	Gunnison, Gunnison.	Democrat.	Stockraiser
Torbt, F. E.	Fountain, El Paso.	Republican.	Merchant
Weir, Geo. B.	Holyoke, Phillips and Yuma.	Democrat.	Farmer
Willison, Robert.	Denver, Denver.	Democrat.	Architect
Wilson, A. M.	Manitou, El Paso.	Republican.	Merchant
Wright, A. E.	Buena Vista, Chaffee.	Democrat.	Stockman

COUNTY OFFICERS

COUNTY	COUNTY SEAT	SHERIFF	TREASURER
Adams	Brighton	George E. Rucker	James W. Campbell
Alamosa	Alamosa	John Baumaster	Ashmer Meloney
Arapahoe	Littleton	E. F. Burden	Willard Teller
Archuleta	Pagosa Springs	Geo. A. Dutton	A. M. Gaylord
Baca	Springfield	Maurice Long	Wanda A. McAdam
Bent	Las Animas	A. Murphy	W. C. Bourn
Boulder	Boulder	R. L. Euler	Agnes O'Day
Chaffee	Buena Vista	L. H. Gillen	Jno. H. Owen
Cheyenne	Cheyenne Wells	Art. Brown	Jack Tinsley
Clear Creek	Georgetown	Albert E. Straub	Henry L. Roberts
Conejos	Conejos	Emilio Girard	Swen Peterson
Costilla	San Luis	Eduardo Medina	J. J. Lobato
Crowley	Ordway	Lewis Worker	W. R. Ferguson
Custer	Silver Cliff	Mel H. Manning	W. H. Funderburk
Delta	Delta	Mack A. Davis	Earl Wilson
Denver	Denver	Dewey C. Bailey	Clair J. Pitcher
Dolores	Rico	Grover Brittain	E. B. Clark
Douglas	Castle Rock	George Nickson	Geo. P. Stewart
Eagle	Red Cliff	Solon D. Ackley	A. F. Carlson
Elbert	Kiowa	Perry Davis	Tom Burnside
El Paso	Colorado Springs	John H. Weir	Albert H. Horton
Fremont	Canon City	W. H. Newcomb	Blake Rogers
Garfield	Glenwood Springs	Chas. W. Fravert	J. A. MacRae
Gilpin	Central City	William Mitchell	Henry P. Altwater
Grand	Hot Sulphur Springs	Grover T. Hackwith	H. F. Adams
Gunnison	Gunnison	Pat Hanlon	E. G. Palmer
Hinsdale	Lake City	Ben F. Hunt	L. C. Carman
Huerfano	Walsenburg	E. L. Neelley	Fred C. Sporleder
Jackson	Walden	John D. Bullis	Irene Mosman
Jefferson	Golden	Albert E. Jones	Frank J. Bond
Kiowa	Eads	John Drown	R. E. Jackson
Kit Carson	Burlington	E. E. Hoskin	Anna E. Adkisson
Lake	Leadville	Harry Schraeder	Frank E. Kendrick
La Plata	Durango	John H. Alexander	Erwin A. Chubb
Larimer	Fort Collins	E. I. Cooke	L. O. Roy Liggett
Las Animas	Trinidad	John J. Marty	W. L. Wills
Lincoln	Hugo	Eugene H. Ferrin	Wm. M. Jones
Logan	Sterling	S. B. Patterson	Frank Arthur
Mesa	Grand Junction	Jeff Watson	John G. McKinney
Mineral	Creede	Thos. J. Cunningham	Wallace I. Leary
Moffat	Craig	Samuel H. Mosler	Walter T. Smith
Montezuma	Cortez	Henry L. Crawford	Charles R. Smith
Montrose	Montrose	J. H. Gill	J. W. Goldsmith
Morgan	Fort Morgan	Silas S. Lamb	Willard Reid
Otero	La Junta	Gay W. Ecton	Guy M. Weybright
Ouray	Ouray	E. A. Krisher	Geo. C. Pierce
Park	Fairplay	Russell Nethery	B. H. Portis
Phillips	Holyoke	Ed. W. James	Chas. W. Sederburg
Pitkin	Aspen	Frank Bruin	W. K. Hanson
Prowers	Lamar	I. C. Downing	R. L. Christy
Pueblo	Pueblo	John M. McKee	Arthur H. Stanard
Rio Blanco	Meeker	Robert G. Lyon	James L. Tagert
Rio Grande	Del Norte	J. Frank Goad	Albert F. Cooley
Routt	Steamboat Springs	Emery E. Clark	Fred S. Follett
Saguache	Saguache	Alexander Russell	William L. Hammond
San Juan	Silverton	James W. Pearson	F. J. Bawden
San Miguel	Telluride	Edward Hoffman	Clarence E. Downtain
Sedgwick	Julesburg	O. S. Humberstone	John C. Wagner
Summit	Breckenridge	J. G. Detwiler	George Robinson
Teller	Cripple Creek	George H. Wayland	Jas. E. McGee
Washington	Akron	W. M. Potter	A. L. Hoyt
Weld	Greeley	Chas. A. Finch	William R. Patterson
Yuma	Wray	W. H. Hitchcock	Karl J. Ripper

COUNTY OFFICERS—Continued

COUNTY	CLERK	SURVEYOR	ASSESSOR
Adams	Fred O. Pearce	Leslie W. Hanna	E. B. Moore
Alamosa	Robert Ginn	Charles M. Johnston	A. B. Cooley
Arapahoe	H. C. Curtis	A. F. Goddard	Sydney H. Bourne
Archuleta	Eleanor H. Todd	Robt. A. Howe	Gordon M. Grimes
Baca	Will Spurgeon	Alvin W. Lewis	Claude D. Jones
Bent	J. W. Nelson	Sydney Flynn	E. J. Wallinger
Boulder	Francis Beckwith	Fred A. Fair	John M. Jones
Chaffee	F. A. Bromley	Clyde H. Jay	Hugh C. McLean
Cheyenne	Carl O. Sears	D. H. Zuck	W. E. Yore
Clear Creek	L. A. Hafer	James Underhill	James M. Culley
Conejos	Epifanio J. P. Valdez	A. E. Williams	Frank A. Espinoza
Costilla	Dr. S. N. Smith	W. H. Martin	Lazaro Sanchez
Crowley	J. E. Downey	Louis W. Walter	J. M. Smith
Custer	L. H. Schoolfield	August Koppe	Calvin M. Sweeten
Delta	H. K. Gibbs	Oliver B. Cook	Chas. L. Keller
Denver	Charles A. Lammers	J. B. Hunter	Clair J. Pitcher
Dolores	Thos. C. Young	A. E. Arms	Geo. S. Hicks
Douglas	Harry Jones	D. N. Stewart	H. G. Johnson
Eagle	Ora R. Kelly	Wm. H. Lea	James O. Buchholz
Elbert	C. B. Corkett	C. A. Mathews	F. R. McIlhenney
El Paso	Elroy C. Shelden	Clarence O. Ford	Frank A. Perkins
Fremont	C. A. Linkins	Jas. Buntin	H. J. Craig
Garfield	Carleton L. Hubbard	P. C. Thurmond	R. W. McGuirk
Gilpin	Frank G. Moody	Samuel A. Rank	Jenkin L. Davis
Grand	Hugh J. Harrison	Frank I. Huntington	R. O. Throckmorton
Gunnison	R. O. Barrett	J. H. Robinson	A. M. Thomas
Hinsdale	L. E. Shull	C. T. Dantziger	Stanley W. Williams
Huerfano	J. G. Archuleta	Ross W. Hornback	Charles H. Sanchez
Jackson	E. N. Butler	M. C. Ward	William H. Winscom
Jefferson	Chester M. Lawrence	Harold E. Munn	Enoch L. Newcomb
Kiowa	Ed. M. Low	L. E. Edwards	P. O. Meyer
Kit Carson	Otto P. Beidelman	D. D. Buck	Claude Ervin
Lake	John W. McMahon	Fred J. McNair	William A. Hennessey
La Plata	Olive Orme	Wm. H. Wigglesworth	Charles H. Conroy
Larimer	Nannie S. Murchison	J. G. Edwards	Robert Anderson
Las Animas	J. S. Abeysa, Jr.	Mark O. Danford	J. D. Harper
Lincoln	J. Willard Cobb	Jas. T. Compton	P. Z. Clifton
Logan	Mabel E. Whiteley	J. E. Youngquist	John H. Buer
Mesa	Chas. S. Jones	E. R. Romberg	O. O. Fellows
Mineral	Wm. G. Messinger	S. B. Collins	O. C. Bechmann
Moffat	Mrs. Lillie O. Haughey	Willis G. Chase	Louis B. Wakeland
Montezuma	Samuel M. Burke	C. C. Knight	E. H. Kittell
Montrose	T. W. Monell	W. S. Foster	Geo. W. Clark
Morgan	Edward L. Boillot	Glenn S. White	W. E. Smith
Otero	Oran Walker	Mark Denson	C. C. Buchanan
Ouray	Roy R. Boucher	Richard Whinnerah	Patricio Stealey
Park	Ed. N. Barlow	A. McFarland	Harry C. Bishop
Phillips	Geo. L. Coleman	Charles A. Guernsey	John B. Nelson
Pitkin	Mary E. Mellor	A. J. Tanner, Jr.	Earl McPhee
Prowers	L. M. Markham	John R. White	A. J. Davy
Pueblo	E. C. Highberger	W. J. Jenkins	Martin A. Carey
Rio Blanco	Claude J. Wilson	C. A. Hopkins	Edwin L. Davis
Rio Grande	Horace G. Trapp	William W. Reilly	Zeb J. Wilson
Routt	John D. Crawford	W. I. Hoklas	C. P. Homer
Saguache	Birt Clare	A. H. Smith	H. E. McCarthy
San Juan	Carrie E. Dresback	Finney Jones	John Glanville
San Miguel	William J. Scanlan	James S. James	Stockton Smith
Sedgwick	Lily Z. Labaree	Earl C. Hamilton	J. A. McClary
Summit	W. F. Forman	James D. Galloway	W. T. Keogh
Teller	Orrin L. Fuller	E. P. Arthur, Jr.	J. C. Ferril
Washington	R. A. Edmondson	R. H. LaPoint	Frank J. Keicher
Weld	J. E. Snook	Harry Thompson	Robt. E. Hanna
Yuma	John Adcock	Buel Ambler	John Dalrymple

COUNTY OFFICERS—Continued

COUNTY	CORONER	COUNTY JUDGE	SUPT. OF SCHOOLS
Adams	E. G. Jones	W. C. Hood, Jr.	Miss Helen Lamb
Alamosa	John W. Kinch	F. A. Brownell	Ada Sundquist
Arapahoe	John Nickels	Geo. W. Dunn	Sada R. Wilson
Archuleta	P. F. Greene, M.D.	John Q. Vermillion	Alice Noland
Baca	Wm. P. Verity	T. Eldon Allen	Earl C. Denney
Bent	Dr. S. V. Hageman	Leroy M. Campbell	Allie V. Richmond
Boulder	Leslie B. Kelso	E. J. Ingram	E. D. Webb
Chaffee	Dr. C. S. Phalen	Joseph Newitt	Rose W. Ridgway
Cheyenne	A. C. Hadsell	V. H. Johnson	Mrs. Esther B. Weir
Clear Creek	R. H. Pearce	Royal R. Graham	Elizabeth J. Gleason
Conejos	E. K. Shelton	Jose A. Garcia	L. H. Mortensen
Costilla	W. W. Covell	J. E. Sanchez	Catherine S. Wood
Crowley	W. W. Griffin	Chas. C. Woolridge	Walter E. Dalby
Custer	J. D. Hinshaw	Morton B. Willey	Lloyd E. Wright
Delta	John C. Watts	Adair J. Hotchkiss	Adah C. Price
Denver	W. P. Horan	Ira C. Rothgerber	C. M. Cole
Dolores	Dr. U. L. Albers	Geo. E. Hicks	Mrs. Bessie Custis
Douglas	Charles Anderson	John Anderson	Maud I. Hoskins
Fagle	Dr. J. G. Gilpin	Mrs. L. B. Tague	Miss Ollie Graham
Elbert	Dr. R. V. Witter	Frank S. Turner	Minerva L. McCarty
El Paso	David F. Law	W. P. Kinney	Inez Johnson Lewis
Fremont	Dr. R. C. Adkinson	Kent L. Eldred	Anna S. Garwood
Garfield	Dr. G. A. Hopkins	R. J. Smith	Mrs. T. Westerman
Gilpin	George L. Hamillik	William C. Fullerton	Mrs. Edith Williams
Grand	Grover C. Henry	J. N. Pettingill	Carrie D. Schuster
Gunnison	J. D. Walker, M.D.	C. H. Stone	Verna Waterman
Hinsdale	J. A. Hunt, Sr.	V. G. Faires	Ellen Zeigler
Huerfano	R. E. Thornton	Joseph H. Patterson	Martha Thorne
Jackson	E. E. Mosman	H. C. Chedsey	Mrs. Minnie Bock
Jefferson	William Wood	Alex. D. Jameson	Berness Bunker
Kiowa	B. Hickman	W. V. McMullen	J. R. Walber
Kit Carson	Wm. R. Heiserman	Wyatt Roger	Jessie C. Magee
Lake	E. R. O'Malia	Thos. F. O'Mahoney	Martha C. Barklage
La Plata	Ray Goodman	Richard McCloud	Nell B. McCarty
Larimer	W. T. Hollowell	Jay H. Bouton	Emma T. Wilkins
Las Animas	Thomas Bradley	R. R. Ross	Elmore Floyd
Lincoln	Fred C. Kenaga	P. O. Hedlund	Lennie Beavers
Logan	A. D. Jackson	W. Mabry King	Flora Allison
Mesa	Dr. A. G. Taylor	N. C. Miller	Elizabeth W. Hinton
Mineral	R. I. Fisher	C. Y. Butler	Mrs. Mary N. Oates
Moffat	Russell Pfohl	Chas. E. Herrick	George W. Norvell
Montezuma	Dr. E. E. Johnson	Clark R. Hickman	Artie E. Lewis
Montrose	J. Q. Allen, M.D.	S. S. Sherman	Miss Emma Full
Morgan	Dr. E. E. Evans	Claxton C. Riekel	Mrs. Charlie P. Cochran
Otero	Harlow H. King	E. W. McDaniel	S. S. Phillips
Ouray	R. F. Sheldon	E. G. MacAdams	Alma M. Brockway
Park	C. K. Osborne	P. W. O'Brien	Marian F. Hill
Phillips	O. J. Colver	S. S. Worley	Chas. R. Peter
Pitkin	L. L. Wilkes	James J. Flynn	Ethel Higinbotham
Prowers	W. O. Sheller	J. C. Horn	Mary Z. Lake
Pueblo	Dr. Ray R. Taylor	Frank G. Mfrick	Lillie O. Baker
Rio Blanco	Dr. Samuel French	Thomas Shervin	R. B. Garrison
Rio Grande	George B. Gibbs	James W. White	Carrie Raber
Routt	Wm. H. Bashor	Chas. A. Morning	Mrs. Emma Peck
Saguache	C. W. Keys	M. N. Jordan	S. E. Forbes
San Juan	R. E. McLeod	William Palmquist	Mary B. Hodges
San Miguel	R. F. Armstrong	John M. Woy	Bertha T. Cameron
Sedgwick	Dr. G. F. Ewing	G. H. Austin	Emma Carlson
Summit	C. E. Condon	D. W. Fall	Melissa H. Hayden
Teller	J. R. Schmalzried	Karl W. Farr	Nellie Shusher
Washington	Dr. W. P. Dooley	Fgbert More	Rosa E. Bachman
Weld	B. P. Peck, M.D.	H. M. Baker	A. B. Copeland
Yuma	I. J. Owen	Irving L. Barker	Clara V. Tegner

COUNTY OFFICERS—Concluded

COUNTY	DIST. ATTORNEY	CLERK CO. COURT	CLK. DIST. COURT
Adams	S. W. Johnson	J. E. Wilkinson	Geo. M. Griffin
Alamosa	John I. Palmer	John I. Palmer	James J. Roper
Arapahoe	Sam W. Johnson	Wm. A. Pitton	Llywellyn Jones
Archuleta	Geo. W. Lane	John Q. Vermillion	F. Reef Egger
Baca	Joseph W. Hawley	T. Eldon Allen	T. Eldon Allen
Bent	Joseph W. Hawley	Leroy M. Campbell	L. G. Kurtz
Boulder	Russell W. Fleming	Anna D. Thurston	Fred W. Burger
Chaffee	T. Lee Witcher	Jas. S. MacInnes	Arthur E. Smith
Cheyenne	Willis L. Strachan	V. H. Johnson	Chas. C. Turner
Clear Creek	Samuel W. Johnson	Royal R. Graham	A. B. Clark
Conejos	John I. Palmer	C. A. Green	W. D. Carroll
Costilla	John I. Palmer	Antonio Candelario	Wm. H. Meyer
Crowley	Chas. B. Hughes	Harry Arnold	Dennis J. Mooney
Custer	T. Lee Witcher	Morton B. Willey	Morton B. Willey
Delta	William Weiser	Adair J. Hotchkiss	Gus Schlapp
Denver	Wm. E. Foley	Thomas L. Bonfils	J. Sherman Brown
Dolores	Geo. W. Lane	Geo. E. Hicks	Clifford J. Laube
Douglas	Willis L. Strachan	John Anderson	Geo. A. Triplett
Eagle	Barney L. Whatley	Harold M. Tague	Chas. W. Coursen
Elbert	Willis L. Strachan	Frank S. Turner	L. E. Fry
El Paso	Willis L. Strachan	M. E. Stubbs	Edgar Howbert
Fremont	T. Lee Witcher	Kent L. Eldred	E. P. Arthur
Garfield	Frank Delaney	Wm. C. Fullerton	C. H. King
Gilpin	Samuel W. Johnson	J. N. Pettingell	Morris Hazard
Grand	Samuel W. Johnson	Carra J. Estes	Mrs. S. J. Button
Gunnison	William Weiser	V. G. Faires	Carra J. Estes
Hinsdale	J. W. Hawley	Joseph H. Patterson	H. G. Heath
Huerfano	R. W. Fleming	A. G. Maine	Alex. Levy
Jackson	Samuel W. Johnson	Alex. D. Jameson	A. G. Maine
Jefferson	C. B. Hughes	W. V. McMullen	Charles Pike
Kiowa	Willis Strachan	Wyatt Boger	A. R. Rittgers
Kit Carson	Barney L. Whatley	Thos. E. O'Mahoney	Henry Rupp
Lake	George W. Lane	Richard McCloud	Clement L. Russell
La Plata	Russell W. Fleming	Walter Campbell	T. J. Warren
Larimer	Joseph W. Hawley	Wm. G. Messinger	Bowdry Floyd
Las Animas	Willis L. Strachan	Joseph Quinn	C. M. Miles
Lincoln	Robert M. Work	Wm. G. Messinger	Joseph Davis
Logan	William Weiser	Chas. E. Herrick	Ada Richards
Mesa	John I. Palmer	Clark R. Hickman	T. A. Wheeler
Mineral	Frank Delaney	Clayton C. Rickel	Ralph L. White
Moffat	George W. Lane	Mildred Field	John M. Brumley
Montezuma	William Weiser	E. G. McAdams	J. L. Atkinson
Montrose	Robert M. Work	P. W. O'Brien	Iver H. Dalley
Morgan	Charles B. Hughes	S. S. Worley	A. S. Marshall
Otero	William Weiser	James J. Flynn	Mary E. Sperber
Ouray	T. Lee Witcher	J. C. Horn	A. F. Willmarth
Park	Robert M. Work	L. T. Morgan	H. L. Colver
Phillips	Frank Delaney	Albert L. Strehlike	Grace E. Prindle
Pitkin	Joseph W. Hawley	Nellie Palmer	E. F. Nichols
Prowers	C. B. Hughes	Chas. A. Morning	Reuben Oldland
Pueblo	Frank Delaney	M. N. Jordan	Alden Bassett
Rio Blanco	John I. Palmer	William Palmquist	Sam J. Walker
Rio Grande	Frank Delaney	John M. Woy	W. M. Slane
Routt	John I. Palmer	G. H. Austin	Ray Cooper
Saguache	George W. Lane	D. W. Fall	Esther E. Gehring
San Juan	William Weiser	Karl W. Farr	Grace L. Rood
San Miguel	Robert M. Work	Egbert More	Melissa H. Hayden
Sedgwick	Barney L. Whatley	J. F. Redman	C. N. Crowder
Summit	Willis L. Strachan	Irving L. Barker	John G. Hudson
Teller	Robert M. Work		John W. Hunter
Washington	Russell W. Fleming		J. M. Boggs
Weld	Robert M. Work		
Yuma			

COUNTY COMMISSIONERS

- Adams County—Harry C. Flanders, H. G. Tiffany, R. G. Webster.
Alamosa County—A. E. Headlee, C. Wallrich, Geo. E. Lake.
Arapahoe County—Theodore Taylor, D. J. Crockett, Claude Cartwright.
Archuleta County—Fred Catchpole, J. L. Dowell, R. L. Elwell.
Baca County—James A. Stinson, C. A. Wiley, Onda Young.
Bent County—Levi Dumbauld, B. T. McClove, D. E. Helzer.
Boulder County—Sam A. Greenwood, Burns Will, H. E. Miller.
Chaffee County—W. L. Philbin, O. S. Mason, J. I. Glenn.
Cheyenne County—Walter Ramsay, Anton I. Johnson, J. W. Shy.
Clear Creek County—Frank A. Miller, T. W. Cunningham, John W. Green.
Conejos County—H. L. Sellers, W. F. McClure, Frank W. Russell.
Costilla County—W. R. Morris, T. Manchego, J. M. Pacheco.
Crowley County—John H. Cowden, Wm. Broadbent, Frank McNary.
Custer County—Harry Kettle, Jacob Beck, Charles A. Barton.
Delta County—W. A. Shepherd, Thos. J. Harshman, Charles T. Rule.
Denver County—L. F. Bartels, W. F. R. Mills, Clair J. Pitcher.
Dolores County—Chas. Engel, Geo. L. Garren, George W. Snyder.
Douglas County—Sherman H. Stream, Fred B. Hood, James P. McInroy.
Eagle County—Andrew Oleson, M. A. Walsh, T. J. Dice.
Elbert County—C. E. Shaver, Fred L. Albin, W. E. Holt.
El Paso County—J. W. Potter, Harry A. Scholton, B. A. Banta.
Fremont County—J. V. McCandless, G. Vernon Hodgkin, James Belknap.
Garfield County—F. W. Adams, George Newton, R. P. Coulter.
Gilpin County—Joseph Borzago, Richard I. Hughes, Neil McKay.
Grand County—J. B. Stevens, Edmund Becker, Simon Olson.
Gunnison County—W. H. Whalen, C. L. McDonald, Geo. L. Miller.
Hinsdale County—John C. Gavin, E. W. Wiley, E. W. Soderholm.
Huerfano County—Robt. Young, J. T. Trujillo, Walter H. Hamilton.
Jackson County—T. John Payne, Chas. L. P. Winscom, W. G. Mellen.
Jefferson County—Robt. L. Downes, Gus A. Johnson, J. R. Cruse.
Kiowa County—A. S. Baldwin, E. P. Houston, Wirt Bailey.
Kit Carson County—James Dunn, A. L. Anderson, J. O. Hendricks.
Lake County—B. H. Martin, Dan Colahan, Geo. Bennett.
La Plata County—E. F. McCartney, Jacob Fritz, John Olbert.
Larimer County—J. M. Graham, Harris Akin, C. M. Garrett.
Las Animas County—Frank A. Patterson, Robert Scott, J. J. Cordova.
Lincoln County—Ed. Riekenberg, W. M. Smith, Alex. McCallum.
Logan County—C. M. Morton, C. M. Morris, W. E. Henning.
Mesa County—C. Bower, Geo. W. Masters, D. Grover Rice.
Mineral County—J. L. Peters, James H. Soward, A. M. Collins.
Moffat County—Reuben B. Overholt, Thos. A. Forkner, R. S. Hamilton.
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Montrose County—John W. Lamb, Howard P. Steel, Cary S. Heath.
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Ouray County—Jas. H. Doran, W. S. Rose, Geo. B. Croft.
Park County—G. S. Singleton, J. F. Rhodes, E. S. Clark.
Phillips County—Herman Poe, L. B. Foster, Albin S. Johnson.
Pitkin County—B. M. Strawbridge, Robert R. Bulloch, J. J. Gerbas.
Prowers County—J. S. McClung, Fred Williams, A. P. Knuckey.
Pueblo County—Geo. Herrington, J. M. Sare, Jacob W. Thomson.
Rio Blanco County—Fred W. Miller, H. S. Harp, J. A. Bills.
Rio Grande County—August J. Weiss, Walter W. Wright, George W. Gates.
Routt County—Wm. Ellis, Henry J. Summer, Wm. Scheer.
Saguache County—George Woodard, A. V. Shippey, Adam Deltrich.
San Juan County—Gail Munyon, Edward Meyer, J. Ernest Shaw.
San Miguel County—T. B. McMahon, Geo. G. Wagner, John R. Galloway.
Sedgwick County—Edward Fischer, Frank Nagel, John G. Mowbray.
Summit County—Eli Fletcher, W. H. Hampton, Andrew Lindstrom.
Teller County—H. J. Gehm, I. N. Riley, Thos. Foster.
Washington County—E. A. Lewis, Homer Evans, R. M. Buckmaster.
Weld County—T. E. Rowe, W. C. Levis, J. W. Birkle.
Yuma County—H. W. Jackson, Alex. Shaw, Harry F. Strangways.

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CHAPTER 1

ALCOHOL
PURCHASE AND SALE

(H. B. No. 447, by Messrs. Colgate and Horton and Senators
Coltman and Hetherington)

AN ACT

TO REGULATE THE PURCHASE AND SALE OF ALCOHOL.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. All wholesale dealers in alcohol and all manufacturers, including pharmacists, using alcohol in their manufactured products, shall hereafter obtain a license from the Secretary of State, with the approval of the Governor, for which license a fee of two dollars (\$2.00) per annum shall be charged.

License for use
of alcohol

Fee

Section 2. Wholesale dealers, so licensed, may sell, and licensed manufacturers, including pharmacists, and hospitals for laboratory purposes only, educational institutions, chemical laboratories, assayers and dealers in assayers' supplies, may purchase alcohol, *provided*, that upon any sale thereof, the purchaser shall execute, in triplicate, requisition blanks to be furnished by the Secretary of State, at cost, stating that the alcohol so purchased will not be resold, except as a component part of some manufactured article, and that no article ordinarily used as a beverage will be manufactured therefrom: one copy of which requisition shall be retained by the wholesaler, and one by the purchaser, for a period of two years and open to public inspection; the third copy of such

Who may sell
and buy

Requisition
blanks

Filing same requisition to be filed with the Secretary of State by the purchaser, within thirty days after such purchase. From time to time, upon request from the Governor, wholesalers shall prepare and file a report, based upon such requisitions, showing the amount, date and purchaser on each sale, and covering the period from the last report so filed.

Limit of amount carried Section 3. No wholesaler shall carry in stock alcohol in excess of five per cent. of the value of his or its general merchandise stock, *provided* that wholesalers who are manufacturers of products in which alcohol is a component part, may withdraw from their stock, alcohol in such quantities, from time to time, as may be necessary to meet their manufacturing requirements, but a record, open to public inspection, shall be kept showing the date and amount of each such withdrawal, and no article ordinarily used as a beverage shall be manufactured therefrom.

Denaturized alcohol Section 4. It shall be lawful for licensed wholesale or retail druggists to purchase and sell alcohol denaturized under either one of the two following formulae:

Formula	(1)	Tartar Emetic U. S. P.	1.00 Gm. (58 Grains)
		Solution of Formaldehyde	2.60 Mils. ($\frac{1}{2}$ Fl. Oz.)
		Distilled Water	375.00 Mils. (48 Fl. Oz.)
		Alcohol	650.00 Mils. (83 Fl. Oz.)

To make about 1000.00 Mils. (1 Gal.)

Dissolve the Tartar Emetic in the water, add the Formaldehyde solution, then the Alcohol and mix well.

Test And to comply with the following test:

If 100 mls. of bathing alcohol prepared in accordance with this formula be evaporated to dryness on a waterbath and then heated in an airbath at 100 degrees C. for fifteen minutes or until all of the Formaldehyde is dissipated, the residue obtained should respond to the tests of identification given under Antimony and Potassium Tartrate in the U. S. P., and should require not

less than 5 mils. of tenth-normal Iodine V. S., when assayed according to the U. S. P. process, corresponding to not less than .083 gm. of Tartar Emetic per 100 mils. of bathing alcohol.

(2) Croton Oil, U. S. P.	1 Mil. (62 Minims)	Formula
Ether	19 Mils. (2½ Fl. Oz.)	

Formaldehyde Solution,

U. S. P.	4 Mils. (½ Fl. Oz.)
----------	----------------------

Alcohol, U. S. P.	976 Mils. (125 Fl. Oz.)
-------------------	-------------------------

To make about 1000 Mils. (1 Gal.)

Dissolve the Croton Oil in the Ether, then add the Alcohol and Formaldehyde and mix well.

And to comply with the following test:

Test

If 100 mils. of bathing alcohol prepared in accordance with this formula be evaporated on a waterbath until the Alcohol and Ether has been dissipated, the residue dissolved in about 10 mils. of Ether, filtered, the filtrate evaporated, on a waterbath until the odor of Ether is no longer perceptible, the oily residue, after heating in an airbath at 100 C. for 15 minutes, should weigh not less than .085 gm. nor more than .100 gm. and correspond to the tests of Croton Oil as given by the U. S. P.

Provided, that such denatured alcohol shall bear the following form of label when sold or offered for sale:

Label

BATHING ALCOHOL.

Formula No.

For External Use Only.

Poisonous if Taken Internally.

Section 5. The term alcohol as used in this act is hereby defined to mean 94.9% alcohol or 99% dehydrated alcohol, in either case meeting all the requirements and tests of the United States Pharmacopoeia; and it shall be unlawful for any person, association or corporation to pos-

Alcohol
defined

sess, purchase, sell or give away any other alcohol, except alcohol denaturized and labeled as in Section 4 hereof provided, or to possess, purchase, sell or give away alcohol as herein defined in any other manner than as herein provided.

Exceptions

Provided, however, that this act shall not apply to wood alcohol, or to commercial denaturized alcohol complying with either of the two following formulae:

- | | | |
|-----|------------------------|------------------------------------|
| (1) | Ethyl alcohol | 100 parts by volume. |
| | Approved wood alcohol | 10 parts by volume. |
| | Approved benzine | $\frac{1}{2}$ of 1 part by volume. |
| (2) | Ethyl alcohol | 100 parts by volume. |
| | Approved wood alcohol | 2 parts by volume. |
| | Approved pyridin bases | $\frac{1}{2}$ of 1 part by volume. |

Penalty for violation

Section 6. Any person, agent, employe, representative, manager, proprietor, pharmacist, physician, the member or members of any association, the officer or officers of any corporation, or any other person who shall violate any of the provisions of this act, and any person, association or corporation, whose officer, agent, employe, representative or servant shall violate any of the provisions of this act shall for the first offense be deemed guilty of a misdemeanor, upon conviction thereof shall be punished by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the county jail not less than thirty days nor more than six months, or both such fine and imprisonment, in the discretion of the justice or court. Every second and subsequent offense, committed within five years of the first, by any of the persons herein designated, shall be deemed a felony, and upon conviction thereof, he shall be imprisoned in the state penitentiary, at hard labor, not less than one year and not more than three years; and if a corporation be so convicted, a second or subsequent time, it shall be fined in a sum of not less than one thousand nor more than five thousand dollars; and the license of any physician to practice medicine or the permit of any person to purchase or sell

alcohol so convicted a second or subsequent time shall be forfeited, and none shall thereafter be granted such person within a period of five years following such second or subsequent conviction. A certified copy of the entry or judgment, or other proper court record, showing the former conviction of the defendant, from any justice, county or district court within this state, shall be conclusive proof of a former conviction.

Section 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The General Assembly hereby declares that it would have passed the act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

If portions of
act are uncon-
stitutional

Section 8. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Section 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force immediately after its passage.

Emergency
clause

Approved: April 20, 1917.

CHAPTER 2

ANHALONIUM, OR PEYOTE
TRAFFIC AND USE DECLARED UNLAWFUL

(H. B. No. 4, by Mr. Crowley)

AN ACT

**RELATING TO ANHALONIUM, OR PEYOTE; PROHIBITING
THE USE THEREOF AND TRAFFIC THEREIN, AND
PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT.**

Be It Enacted by the General Assembly of the State of Colorado:

Anhalonium
declared
dangerous

Section 1. It is hereby declared in the exercise of the police and sovereign power of the State of Colorado that the use of anhalonium, or peyote, within this state is dangerous to the life, liberty, property, health, education, morals, and safety of the citizens of this state, and is inconsistent with the good order, peace, and safety of the state.

Sale, gift or
barter
unlawful

Section 2. No person, association, or corporation shall, within this state, use or sell or keep for sale, or give away, dispose of, exchange, barter, or otherwise furnish any anhalonium, or peyote, or any compound, manufacture, derivative, or preparation thereof, to any person whomsoever; and no person, association, or corporation shall import into this state any anhalonium, or peyote, or any compound, manufacture, derivative, or preparation thereof, for sale, exchange, barter, or gift; and no person, association, or corporation shall, within this state, offer any anhalonium, or peyote, or any compound, manufac-

ture, derivative, or preparation thereof, for gift, use, sale, barter, or trade.

Section 3. Any person, agent, employe, representative, proprietor, the member or members of any association, the officer or officers of any corporation, or any other person, who shall violate any of the provisions of this act, and any person, association, or corporation whose officer, agent, employe, representative, or servant shall violate any of the provisions of this act, shall for the first offense, be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars, or by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment, in the discretion of the court. Every second and subsequent offense committed within five (5) years of the first by any of the persons herein designated, shall be deemed a felony, and, upon conviction thereof, he shall be imprisoned in the state penitentiary at hard labor not less than one year nor more than three years; and if a corporation be so convicted a second time, it shall be fined not less than one thousand (\$1,000.00) dollars nor more than five thousand (\$5,000.00) dollars. A certified copy of the entry or judgment or other proper court records showing the conviction of the defendant from any Justice, County, or District Court within this state, shall be conclusive proof of a former conviction.

Penalties

Section 4. Whenever this act, or any part thereof, is interpreted by any court, it shall be liberally construed by such court.

Interpretation

Section 5. If any part, section, subsection, sentence, clause, phrase, word or words of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each part, section, subsection, sentence,

Unconstitutionality

clause, phrase, word, or words, irrespective of the fact that any one or more of the parts, sections, subsections, clauses, phrases, or words be declared unconstitutional.

Repealing
clause

Section 6. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Safety clause

Section 7. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency
clause

Section 8. In the opinion of the General Assembly, an emergency exists; therefore, this act shall take effect and be in force immediately after its passage.

Approved: February 21, 1917.

CHAPTER 3

APPROPRIATION
CAPITOL AND COLORADO STATE MUSEUM

(H. B. No. 36, by Mr. Ardourel)

AN ACT

TO PROVIDE FOR THE PAYMENT OF PART OF THE MAINTENANCE AND SUPPORT OF THE CAPITOL AND COLORADO STATE MUSEUM BUILDINGS AND GROUNDS FOR THE YEARS 1916 AND 1917.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of the Capitol Building Fund the sum of twenty-five thousand dollars (\$25,000) to pay a part of the maintenance and support of the Capitol and Colorado State Museum Buildings and grounds, including the furnishing of all supplies, furnishings, and service, the payment of all employes of the Board of Capitol Managers, and the payment of all other expenses of supporting, conducting and maintaining of said buildings and grounds, for the years 1916 and 1917.

Appropriation

Purposes

Section 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness in payment of all claims and demands for wages, supplies, furnishings, service and other expenses incurred by the Board of Capitol Managers, upon presentation of vouchers certified by said board; said certificates shall be payable from the Capitol Building Fund, and shall bear interest at the rate of four per cent per annum from

Certificates of
indebtedness

the date of presentation until paid; but in no event shall total amount of said certificates exceed the amount hereby appropriated. The faith and credit of the state is hereby pledged for the payment of principal and interest of said certificates of indebtedness.

Repealing
clause

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency
clause

Section 4. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: February 9, 1917.

CHAPTER 4

APPROPRIATION

CAPITOL AND COLORADO STATE MUSEUM

(H. B. No. 382, by Mr. Ardourel)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE MAINTENANCE AND SUPPORT OF THE CAPITOL AND COLORADO STATE MUSEUM BUILDINGS AND GROUNDS FOR THE FISCAL YEARS 1917 AND 1918, AND FOR NECESSARY REPAIRS, ALTERATIONS AND IMPROVEMENTS ON SAID BUILDINGS AND GROUNDS AND FOR FURNITURE AND FIXTURES.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of the Capitol Building Fund, the sum of One Hundred Twenty-eight Thousand Six Hundred Fifty-five Dollars, in addition to the amount appropriated by the short appropriation being House Bill No. 36, of the Twenty-first General Assembly, for the maintenance and support of the Capitol and Colorado State Museum. Buildings and grounds, including the furnishing of all supplies and service, the payment of all employes of the Board of Capitol Managers and the payment of all other expenses of supporting, conducting and maintaining of said buildings and grounds, for the fiscal years 1917 and 1918.

Section 2. There is hereby appropriated out of the Capitol Building Fund the sum of Twenty-five Thousand Dollars, or so much thereof as may be necessary for alter-

Purpose ations, repairs and improvements on the Capitol and Colorado State Museum Buildings and grounds, for the replacing of old furniture and carpets and for supplying new furniture when required in the various departments therein.

Appropriation Section 3. There is hereby appropriated out of the Capitol Building Fund, Two Thousand Dollars, or so much thereof as may be necessary to pay for the completion of the Colorado State Museum Building and furnishings and fixtures.

Certificates of indebtedness Section 4. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness in payment of all claims and demands for wages, supplies, service, material furnished and labor performed, and other expenses and obligations incurred by the Board of Capitol Managers, upon presentation of vouchers certified by said Board, said certificates shall be payable out of moneys hereby appropriated from the Capitol Building Fund, and shall bear interest at the rate of four (4) per cent. per annum from the date of presentation until paid; but in no event shall the total amount of said certificates of indebtedness exceed the amount hereby appropriated. The faith and credit of the State is hereby pledged for the payment of principal and interest of said certificates of indebtedness.

Repealing clause Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Emergency clause Section 6. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: March 30, 1917.

CHAPTER 5.

APPROPRIATION
COLORADO INSANE ASYLUM

(H. B. No. 134, by Messrs. Studzinski and Scott)

AN ACT

**MAKING APPROPRIATION FOR IMPROVEMENTS AT THE
COLORADO INSANE ASYLUM**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the State Treasurer not otherwise appropriated, the sum of twenty thousand dollars (\$20,000) for the construction of a dining room for women at the Colorado Insane Asylum. Appropriation

Section 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, twenty thousand dollars (\$20,000) for the construction of a dining room for men at the Colorado Insane Asylum. Appropriation

Section 3. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage. Emergency
clause

Approved: April 14, 1917.

CHAPTER 6

APPROPRIATION
COLORADO INSANE ASYLUM

(H. B. No. 136, by Messrs. Studzinski and Scott)

AN ACT

MAKING AN APPROPRIATION FOR PART OF THE SUPPORT AND MAINTENANCE OF THE COLORADO INSANE ASYLUM, INCLUDING SALARIES OF OFFICERS AND EMPLOYEES, DURING THE PERIOD FROM DECEMBER 1, 1916, TO MARCH 31, 1917.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, sixty thousand dollars (\$60,000) for part of the support and maintenance of the Colorado Insane Asylum, including salaries of officers and employes thereof, during the period from December 1, 1916, to March 31, 1917, inclusive.

**Emergency
clause**

Section 2. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: February 28, 1917.

CHAPTER 7.

APPROPRIATION
COLORADO INSANE ASYLUM

(H. B. No. 292, by Messrs. Studzinski, Cawfield, Mishou and Foster
and Senators Dunlap and Peterson)

AN ACT**MAKING APPROPRIATIONS FOR THE COLORADO INSANE
ASYLUM FOR THE SUPPORT AND MAINTENANCE
THEREOF.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the Colorado Insane Asylum at Pueblo, Colorado, in addition to the sixty thousand dollars for support and maintenance and the forty thousand dollars for dining-rooms heretofore appropriated the following amounts:

First, for the support and maintenance thereof, including salaries of officers and employes, from December 1, 1916, to November 30, 1918, one hundred and seventy thousand dollars; second, for alterations in the present laundry plant and laundry machinery, ten thousand dollars; third, for cold storage and ice plant, five thousand dollars; fourth, for kitchen equipment, two thousand dollars; fifth, for furniture and fixtures, ten thousand dollars; sixth, for grading and improvements to grounds, five thousand dollars; seventh, for amusements, two thousand five hundred dollars; eighth, for tunnels, five thousand dollars; ninth, for elevator in administration build-

Appropriation
for maintenance,
equipment, etc.

ing, two thousand dollars; tenth, for X-ray apparatus, one thousand five hundred dollars; eleventh, for completion of basements in new building, eleven thousand dollars; twelfth, for increasing fire protection, thirty-five thousand dollars, and thirteenth, for repairs, additional ground and improvements, twenty thousand dollars.

How expended

Section 2. No money shall be paid by the State Treasurer out of this or any other appropriation for, or money belonging to, the Colorado Insane Asylum, except upon warrants of the State Auditor upon vouchers in favor of the person to whom the state shall have been indebted on account of said Colorado Insane Asylum, certified by the president and attested by the secretary of the Colorado Board of Corrections.

State Auditing Board to certify when money is available

Section 3. No indebtedness of any kind or nature shall be made or contracted under or in connection with this appropriation, either directly or indirectly, until the State Auditing Board shall have certified that the money is available under this appropriation, or unless the money is actually paid under it; *provided, however*, that in case any part of the money herein appropriated is available and the Auditing Board shall certify to that amount, then indebtedness may be incurred to an amount equal to that certified.

Emergency clause

Section 4. In the opinion of the General Assembly, an emergency exists in regard to the matter provided for in this bill and therefore this act shall be in force and take effect from and after its passage.

Veto

Approved: April 21, 1917, except the following:

\$60,000 of the item of \$170,000, contained in Section 1 for maintenance, of which item \$60,000 is vetoed and \$110,000 is approved:

Also: \$5,000 of the item of \$10,000 contained in Section 1, for alterations in laundry, etc., of which item \$5,000 is vetoed and \$5,000 is approved.

Also: \$5,000 of the item of \$11,000 contained in

Section 1 for completion of basements, of which item \$5,000 is vetoed, and \$6,000 is approved.

Also: \$5,000 of the item of \$35,000 contained in Section 1, for increasing fire protection, of which item \$5,000 is vetoed and \$30,000 is approved.

Also: \$5,000 of the item of \$20,000 contained in Section 1, for repairs, additional ground and improvements, of which item \$5,000 is vetoed and \$15,000 is approved.

CHAPTER 8.

APPROPRIATION
COLORADO SCHOOL FOR DEAF AND BLIND

(H. B. No. 168, by Messrs. Torbit and Wilson and Senators Elliot and Puffer)

AN ACT

**MAKING AN APPROPRIATION FOR THE ERECTION OF A
FIRE-PROOF DORMITORY FOR BOYS AT THE COLO-
RADO SCHOOL FOR DEAF AND BLIND.**

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. That there is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, from the revenue for the fiscal years 1917 and 1918, the sum of forty thousand dollars (\$40,000.00) for the erection of a fireproof dormitory for boys.

How expended

Section 2. The money appropriated by this act shall be used for no other purpose than that set forth in Section 1 hereof, and shall be expended under the direction and control of the Board of Trustees of the Colorado School for Deaf and Blind, and the Auditor is hereby instructed, upon presentation of orders of said Board of Trustees, signed by the President and countersigned by the Secretary, to draw warrants for the payment of such orders, not in any event to exceed the amount hereby appropriated.

Emergency
clause

Section 3. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: April 14, 1917.

CHAPTER 9.

APPROPRIATION

ELECTION CONTEST, GARRETT ET AL VS. BAER ET AL

(H. B. No. 89, by Mr. Houtchens)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF
THE JAMES O. GARRETT, ET AL VS. CHARLES BAER.
ET AL CONTEST.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the following sums are hereby appropriated out of any moneys in the treasury not otherwise appropriated for the payment of the expenses of the James O. Garrett, et al vs Charles Baer, et al contest.

Section 2. There is hereby appropriated:

	Appropriation and distribution
To J. F. Green for 8 days' service as reading clerk..	\$ 40.00
To W. S. Marsh for 8 days' service as tally clerk..	40.00
To J. O. Swanson for 8 days' service as tally clerk	40.00
To J. J. Vickroy for 8 days' service as watcher...	40.00
To J. C. Overmier for 8 days' service as watcher..	40.00
To Earl Wettingell for 8 days' service as reading clerk	40.00
To Mrs. R. A. Cornelius for 8 days' service as tally clerk	40.00
To John A. Murphy for 8 days' service as tally clerk	40.00
To L. D. Bowhay for 8 days' service as watcher..	40.00
To W. T. Michals for 8 days' service as watcher..	40.00

To A. C. Barker for 8 days' service as reading clerk	40.00
To Gertrude Milton for 8 days service as tally clerk	40.00
To Frank Varney for 6½ days' service as tally clerk	33.75
To Sam E. Smyth for 1½ days' service as tally clerk	6.25
To E. A. Hillman for 8 days' service as watcher..	40.00
To J. W. Orvis for 8 days' service as tally clerk..	40.00
To Adrian White for 7½ days' service as tally clerk	37.50
To James H. Clark for 7½ days' service as watcher	37.50
To Bert Williams for 7½ days' service as watcher	37.50
To Matt Preston for 7½ days' service as reading clerk	37.50
To M. L. Fenton for 7½ days' service as tally clerk	37.50
To W. McGilvray for 7 days' service as reading clerk	35.00
To Mrs. C. A. Foster for 7 days' service as watcher	35.00
To E. Guebelle for 7 days' service as watcher....	35.00
To M. H. Sweet for 8 days' service as tally clerk..	40.00
To M. J. Blofka for 7 days' service as tally clerk	35.00
To W. Shubert for 8 days' service as counting clerk	40.00
To J. S. Morgan for 14 days' service as watcher..	84.00
To W. E. Grant for 14 days' service as watcher..	84.00
To Joe String for 13 days' service as watcher....	78.00
To R. E. Rothwell for 13 days' service as watcher	78.00
To L. T. Reiter, stenographer to election and appointment committee.....	42.50
To N. D. Kapple for 1 days' service as tabulating clerk	5.00
To Frank B. Madison for 1 days' service as tabulating clerk	5.00

To T. P. Smith for moving ballot boxes from court house to Capitol Building and from Capitol Building back to Auditorium.....	55.30	
To Attorney's fees for contestors' attorney, H. A. Lindsley	250.00	
To Attorneys' fees for contestees' attorneys, Archibald A. Lee and Henry J. Hersey.....	250.00	
R. M. Hagerman and W. S. Marsh for 18 days' service	90.00	
Miss Frank, notary's fees.....	3.00	
John McDonald, stenographic services.....	36.00	
H. A. Lindsley, for stenographic fees expended, drafting notice and statement of election contest and for drafting replications to the answers of the contestees.....	120.00	
Section 3. This appropriation shall be of the first		First class
class.		

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency clause

Approved: February 8, 1917.

CHAPTER 10.

APPROPRIATION
FORT LEWIS SCHOOL OF AGRICULTURE

(H. B. No. 171, by Mr. Kelley and Senator West)

AN ACT

TO MAKE AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR FARM BUILDINGS AND IMPROVEMENTS AT THE FORT LEWIS SCHOOL OF AGRICULTURE, MECHANIC AND HOUSEHOLD ARTS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the hands of the State Treasurer, not otherwise appropriated for the use of the Fort Lewis School of Agriculture, Mechanic and Household Arts, the sum of twenty thousand (\$20,000) dollars, for the erection of farm buildings, including a dairy barn, hay sheds and other necessary farm buildings, and for the purpose of repairing and improving buildings at said school, and for clearing land, building fences and purchasing water rights connected therewith; said sum to be expended by the State Board of Agriculture for all the above purposes, or for any one, or more thereof, as in their discretion seems best;

Appropriation

And the Auditor of State is hereby directed to draw warrants on the funds hereby appropriated on the order of the State Board of Agriculture, such order to be signed

by the President of said Board and countersigned by its Secretary.

Section 2. Whereas, in the opinion of the General Assembly an emergency exists, therefore this act shall be in force and take effect on and after its passage. Emergency
clause

Approved: April 21, 1917, as to \$15,000.00 of the item of \$20,000.00 and vetoed as to \$5,000.00 of said item. Veto

CHAPTER 11.

APPROPRIATION

GENERAL—LONG

(H. B. No. 208, by Mr. Ardourel)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO FOR THE FISCAL YEARS 1917 AND 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. The following sums or so much thereof as may be necessary, are hereby appropriated out of any moneys in the General Fund, except wherein another and different fund is herein specifically provided, for the payment of the expenses of the Executive, Legislative and Judicial Departments of the state for the fiscal years 1917 and 1918, less amounts already paid from the Short Appropriation, House Bill Number 28, of the Twenty-first General Assembly, approved February 6, 1917.

Period covered

Section 2.

EXECUTIVE DEPARTMENT.

	1917	1918	Total
Governor's salary	\$ 5,000	\$ 5,000	\$10,000
Private Secretary, salary	1,500	1,500	3,000
Executive Clerk, salary	1,200	1,200	2,400
Stenographer, salary	1,200	1,200	2,400
Messenger, salary	1,200	1,200	2,400

	1917	1918	Total
Governor's Contingent Fund for semi-official purposes to be determined by him in addition to the amount here- tofore appropriated in the Short Appropriation Bill....			6,200
Law Enforcement Fund, pur- suant to Senate Bill number 80, of Session Laws of 1915..	10,000	10,000	20,000
Lieutenant Governor's salary..	1,000	1,000	2,000
Lieutenant Governor's Fund for official or semi-official pur- poses to be determined by him for the biennial period..			1,000
Speaker of House of Repre- sentatives' Fund for official and semi-official purposes to be determined by him for the biennial period			1,000
Section 3.			

SECRETARY OF STATE.

Secretary of State, salary.....	\$ 4,000	\$ 4,000	\$ 8,000
Deputy Secretary of State, salary	2,500	2,500	5,000
Chief Clerk, salary.....	1,800	1,800	3,600
Chief Accountant and Book- keeper, salary.....	2,000	2,000	4,000
Chief of Filing Department, salary	1,800	1,800	3,600
Chief of Index Department, salary	1,800	1,800	3,600
Cashier, salary.....	1,500	1,500	3,000
Assistant Cashier, salary.....	1,500	1,500	3,000
Cashier Flat Tax Department, salary	1,800	1,800	3,600

	1917	1918	Total
Assistant Cashier, Flat Tax Department, salary.....	1,200	1,200	2,400
Two (2) Computers, Flat Tax Department, salary.....	2,400	2,400	4,800
Chief Voucher Clerk and stenographer, salary.....	1,200	1,200	2,400
Three Assistant Voucher Clerks and stenographers, salaries..	3,600	3,600	7,200
Chief Recorder, salary.....	1,200	1,200	2,400
Two Assistant Recorders, salaries	2,400	2,400	4,800
Chief of Comparing Department, salary.....	1,200	1,200	2,400
Two assistants in Comparing Department, salaries.....	2,400	2,400	4,800
Two Registrars, salaries.....	2,400	2,400	4,800
Chief of Document Department, salary	1,200	1,200	2,400
Two assistants Document Department, salary.....	2,400	2,400	4,800
One Information Clerk and Messenger, salary.....	900	900	1,800

Labor Department.

Deputy Labor Commissioner, salary	\$ 2,500	\$ 2,500	\$ 5,000
Statistician, salary.....	1,500	1,500	3,000
Stenographer, salary.....	1,200	1,200	2,400
Traveling expenses, Labor Commissioner ex-officio and of Deputy Labor Commissioner	500	500	1,000

Free Employment Bureau.

Bureau No. 1, Denver, Superintendent, salary.....	\$ 1,200	\$ 1,200	\$ 2,400
Assistant Superintendent, salary	1,000	1,000	2,000

	1917	1918	Total
Bureau No. 2, Denver, Superintendent, salary.....	1,200	1,200	2,400
Assistant Superintendent, salary	1,000	1,000	2,000
Colorado Springs Bureau, Superintendent, salary.....	1,200	1,200	2,400
Assistant Superintendent, salary	1,000	1,000	2,000
Pueblo Bureau, Superintendent, salary	1,200	1,200	2,400
Assistant Superintendent, salary	1,000	1,000	2,000

Factory Inspection Department.

Chief Factory Inspector, salary..	\$ 1,200	\$ 1,200	\$ 2,400
Three Deputy Factory Inspectors, salary.....	3,600	3,600	7,200
One clerk, salary.....	1,200	1,200	2,400
One stenographer and record clerk, salary.....	1,200	1,200	2,400
Traveling expenses for Chief Factory Inspectors and three deputies	2,400	2,400	4,800

Commission Merchants Inspection Department.

*Commission Merchant Inspectors, salaries.....	\$ 3,000	\$ 3,000	\$ 6,000
*Traveling expenses for Commission Merchant Inspectors	900	900	1,800

Section 4.

AUDITOR OF STATE.

State Auditor, salary.....	\$ 4,000	\$ 4,000	\$ 8,000
Deputy State Auditor, salary..	2,500	2,500	5,000
Bookkeeper, salary.....	1,800	1,800	3,600
Assistant Bookkeeper, salary..	1,500	1,500	3,000
Registrar, salary.....	1,200	1,200	2,400

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Assistant Registrar, clerk, salary	1,200	1,200	2,400
Clerk and stenographer, salary	1,200	1,200	2,400
File clerk and messenger, salary	715	780	1,495
Inspector Building and Loan Association, salary.....	2,000	2,000	4,000
Traveling expenses of Building and Loan Inspector.....	500	500	1,000

Public Examiner.

Public Examiner, salary.....	\$ 3,000	\$ 3,000	\$ 6,000
*Traveling expenses of Public Examiner	500	500	1,000
State Examiner, salary.....	1,800	1,800	3,600
State Examiners and assistants, salaries	14,400	14,400	28,800
State Examiners and assistants, traveling expense.....	6,000	6,000	12,000
Clerk and Stenographer, salary	1,200	1,200	2,400
Tabulator, salary.....	1,200	1,200	2,400

Section 5.

STATE TREASURER.

State Treasurer, salary.....	\$ 6,000	\$ 6,000	\$12,000
Deputy State Treasurer, salary	2,500	2,500	5,000
Bookkeeper, salary.....	1,800	1,800	3,600
Cashier, salary.....	1,800	1,800	3,600
Register and clerk, salary.....	1,500	1,500	3,000
Stenographer, salary.....	1,200	1,200	2,400
Premium on Treasurer's bond			5,475

Section 6.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of Public Instruction, salary.....	\$ 3,000	\$ 3,000	\$ 6,000
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* See Governor's letter of transmission, page 50.

	1917	1918	Total
Deputy Superintendent of Public Instruction, salary.....	1,800	1,800	3,600
Traveling expenses of Superintendent and Deputy.....	750	750	1,500
Stenographer, salary.....	1,200	1,200	2,400
Stenographer, salary.....	1,200	1,200	2,400
Clerk, salary	1,200	1,200	2,400

COLORADO STATE LIBRARY.

Assistant State Librarian, salary	\$ 1,000	\$ 1,000	\$ 2,000
Purchase of newspapers, books and magazines, and rebinding, and incidental office expenses	500	500	1,000

TEACHER OF ADULT BLIND.

Teacher of Adult Blind, salary.	\$ 1,000	\$ 1,000	\$ 2,000
Teacher of Adult Blind, traveling expenses.....	500	500	1,000

Section 7.

TRAVELING LIBRARIES.

*For general support and maintenance of the system of free traveling libraries of the State of Colorado.....	\$ 1,800.	\$ 1,800	\$ 3,600
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Section 8.

ATTORNEY GENERAL.

Attorney General, salary.....	\$ 5,000	\$ 5,000	\$10,000
Deputy Attorney General, salary	3,000	3,000	6,000

* See Governor's letter of transmission, page 50.

	1917	1918	Total
First Assistant Attorney General, salary.....	2,500	2,500	5,000
Second Assistant Attorney General, salary.....	2,500	2,500	5,000
Third Assistant Attorney General, salary.....	1,800	1,800	3,600
Three law stenographers, salaries	3,600	3,600	7,200
Emergency Fund under the direction of the Attorney General for traveling expenses, court costs, disbarment proceedings, fees and other services and expenses, for the biennial period, to be determined by him.....			5,000

Inheritance Tax Department.

Investigator Inheritance Tax Department, salary.....	\$ 1,000	\$ 1,500	\$ 2,500
Contingent Fund for the employment of special counsel to be expended under the direction of the Governor for the biennial period.....			5,000
Contingent Fund for the employment of special counsel to be expended under the direction of Attorney General for biennial period.....			5,000

Section 9.

COLORADO TAX COMMISSION.

Three Commissioners, salaries..	\$10,800	\$10,800	\$21,600
Secretary, salary.....	2,000	2,000	4,000

	1917	1918	Total
Chief Clerk, salary.....	1,500	1,500	3,000
Stenographer, salary.....	1,200	1,200	2,400
Two Investigators, salary.....	3,000	3,000	6,000
Traveling and incidental expenses, for biennial period..	1,550	1,550	3,100

ASSESSORS ANNUAL MEETING

Expenses for Assessors' meeting	\$ 1,850	\$ 1,850	\$ 3,700
Section 10.			

STATE ENGINEER.

State Engineer, salary.....	\$ 3,000	\$ 3,000	\$ 6,000
Chief Deputy State Engineer, salary	1,800	1,800	3,600
Two Deputy State Engineers, salary	1,800	1,800	3,600
Traveling and contingent expenses of State Engineer and Deputies for biennial period			2,800
Draughtsman (chief clerk), salary	1,500	1,500	3,000
Chief Hydrographer, salary...	1,800	1,800	3,600
Four Hydrographers, salaries..	6,000	6,000	12,000
Stenographic services.....	1,200	1,200	2,400
File Clerk, salary.....	1,200	1,200	2,400
Incidental expenses including salaries of gauge readers, purchase of equipment and repairs on same, installation and upkeep of river measuring stations	1,500	1,500	3,000
Traveling expenses, Chief Hydrographer			1,200

	1917	1918	Total
Traveling expenses, four hydrographers (including 2 Ford Automobiles not to exceed \$800)			4,000
Division Engineer, District No. 1, salary	2,500	2,500	5,000
Division Engineer, District No. 2, salary	2,500	2,500	5,000
Division Engineer, District No. 3, salary	1,500	1,500	3,000
Division Engineer, District No. 4, salary	1,500	1,500	3,000
Division Engineer, District No. 5, salary	1,500	1,500	3,000
*To print 10 chapters of the 18th biennial report of State Engineer, any portion of this item above actual cost to remain in General Fund.....	1,250	1,250	2,500
Disposition of fees All fees and collections of the State Engineer's office shall be turned into the State Treasury and the appropriation hereby made paid therefrom, and any surplus remaining after paying the appropriation hereby made shall be transferred to the General Fund. If all fees and collections of said office are not sufficient to cover said appropriation, the deficiency shall be supplied from the General Fund.			

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Traveling expenses of five Division Engineers.....	2,500	2,500	5,000
Section 11.			

STATE BOARD OF LAND COMMISSIONERS.

Members of State Board of Land Commissioners, salaries.	\$ 9,000	\$ 9,000	\$18,000
Salaries of Members of State Board of Land Commissioners to be paid out of the income of the office of said Board.			
Deputy Register, salary.....	1,800	1,800	3,600
Mineral Superintendent, salary	2,000	2,000	4,000
Three Appraisers, salaries.....	4,500	4,500	9,000
Appraisers' expenses.....	1,800	1,800	3,600
Lease Clerk, salary.....	1,500	1,500	3,000
Clerk to Deputy Registrar, salary	1,200	1,200	2,400
Clerk to Board, salary.....	1,500	1,500	3,000
Collection Clerk, salary.....	1,200	1,200	2,400
Assistant Lease Clerk, salary..	1,200	1,200	2,400
Plat Clerk, salary.....	1,200	1,200	2,400
Two Stenographers, salaries...	2,400	2,400	4,800
Special Appraisers and traveling and contingent and incidental expenses of the Members of the State Board of Land Commissioners and their employes			21,000
Attorney to the Board, subject to the approval of the Governor and the Attorney General, salary	1,000	1,500	2,500

	1917	1918	Total
Counter Clerk, salary.....	1,200	1,200	2,400
Recording Clerk, salary.....	1,200	1,200	2,400

Section 12.

BUREAU OF MINES.

Commissioner of Mines, salary.	\$ 3,000	\$ 3,000	\$ 6,000
Traveling expenses, Commissioner of Mines.....	1,000	1,000	2,000
Four Inspectors, salaries.....	7,200	7,200	14,400
*General expenses, including services heretofore rendered in securing statistics for the Bureau of Mines and traveling expenses of Inspectors..	4,000	4,000	8,000
Chief Clerk and Assistant Curator, salary.....	1,500	1,500	3,000
Stenographer and Clerk, salary	1,200	1,200	2,400

Section 13.

BOILER INSPECTOR.

Boiler Inspector, salary.....	\$ 2,500	\$ 2,500	\$ 5,000
Traveling expenses, Boiler Inspector	600	600	1,200
Two Deputy Inspectors, salaries	3,600	3,600	7,200
Traveling Expenses, two Deputy Inspectors	1,200	1,200	2,400
Clerk, salary	1,200	1,200	2,400

Section 14.

STATE BOARD OF CHARITIES AND CORRECTIONS.

Secretary, salary	\$ 1,800	\$ 1,800	\$ 3,600
Investigator, salary	1,200	1,200	2,400

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Stenographer, salary	1,200	1,200	2,400
Stenographer, salary	1,200	1,200	2,400
Traveling expenses, of the Secretary and members of Board	750	750	1,500

Section 15.

STATE BUREAU OF CHILD AND ANIMAL PROTECTION.

Secretary, salary	\$ 1,800	\$ 1,800	\$ 3,600
Clerk and Stenographer, salary	1,200	1,200	2,400
Two State Officers, salaries....	2,400	2,400	4,800
* Traveling expense	2,400	2,400	4,800

Section 16.

STATE BANK COMMISSIONER.

State Bank Commissioner, salary	\$ 3,600	\$ 3,600	\$ 7,200
Chief Deputy State Bank Commissioner, salary	2,400	2,400	4,800
Deputy State Bank Commissioner, salary	1,800	1,800	3,600
Deputy State Bank Commissioner, salary	1,800	1,800	3,600
Deputy State Bank Commissioner, salary.....	1,200	1,800	3,000
Clerk, salary	1,200	1,200	2,400
Stenographer, salary	1,200	1,200	2,400
Traveling Expenses	2,500	2,500	5,000

Section 17.

PUBLIC UTILITIES COMMISSION.

Three Commissioners, salaries.	\$12,000	\$12,000	\$24,000
Secretary, salary	2,500	2,500	5,000
Rate Expert, salary	2,100	2,100	4,200

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Statistician, salary	2,400	2,400	4,800
Two Inspectors, salaries	3,000	3,000	6,000
One Reporter, salary	1,800	1,800	3,600
One Reporter, salary	1,200	1,200	2,400
Three Stenographers, salaries..	3,600	3,600	7,200
* Traveling expenses commis- sioners and employes, includ- ing expenses of traveling out- side of the State of Colorado on official business when such traveling has been previously authorized and approved by the State Auditing Board...	3,500	3,500	7,000
* For rate investigation.....			6,000
* And for an attorney and such experts, engineers, statisti- cians and accountants as the Commission may appoint with the approval of the Gov- ernor, all of whom shall be subject to removal by the Commission	12,360	12,360	24,720

Section 18.

GAME AND FISH COMMISSION.

Game and Fish Commissioner, salary	\$ 2,000	\$ 2,000	\$ 4,000
Traveling expenses of Game and Fish Commissioner.....	600	600	1,200
* Deputy Game and Fish Com- missioner, salary	1,500	1,500	3,000
* Traveling expenses of Deputy Game and Fish Commission- ers	480	480	960

* See Governor's letter of transmission, page 50.

	1917	1918	Total
*Traveling expenses	500	500	1,000
*State Superintendent of Hatcheries, salary	1,500	1,500	3,000
Chief Clerk and Stenographer, salary	1,500	1,500	3,000
Clerk and Stenographer, salary	1,200	1,200	2,400
*Five Chief Game Wardens at \$100 per month, salaries....	6,000	6,000	12,000
Traveling expenses five Chief Game Wardens	2,400	2,400	4,800
Superintendent of Denver Hatchery, salary	1,200	1,200	2,400
Superintendent of Glenwood Hatchery, salary	1,200	1,200	2,400
Superintendent of La Plata Hatchery, salary	1,200	1,200	2,400
Superintendent of Del Norte Hatchery, salary	1,200	1,200	2,400
*Superintendent of Routt County Hatchery, salary....	1,200	1,200	2,400
Superintendent of Gunnison Hatchery, salary	1,200	1,200	2,400

Section 19.

INDUSTRIAL COMMISSION..

Three Commissioners, salaries.	\$12,000	\$12,000	\$24,000
Secretary, salary	2,500	2,500	5,000
Stenographer, salary	1,200	1,200	2,400
Statistician, salary	1,200	1,800	3,000
One Clerk, salary	1,000	1,500	2,500
Two Investigators, salary.....	2,400	3,600	6,000
Chief of Claim Department, sal- ary	2,400	2,400	4,800
Three Stenographers, salaries..	3,600	3,600	7,200
Two Filing Clerks, salaries....	2,400	2,400	4,800

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Card Clerk, salary.....	1,200	1,200	2,400
Two Clerks, salaries.....	2,400	2,400	4,800
Manager Colorado State Compensation Fund, salary.....	3,000	3,000	6,000
Assistant Manager, salary.....	1,833.33	2,000	3,833.33
Two Insurance Clerks, salaries.	2,400	2,400	4,800
Three Stenographers, salaries..	3,600	3,600	7,200
Medical Examinations, X-rays, witness fees and mileage, inspections			3,500
Equipment, typewriters and calculating machines			1,000
* Traveling and contingent expenses including expenses of traveling outside the State of Colorado on official business, when such traveling has been previously authorized and approved by the State Auditing Board			11,025

Section 20.

OFFICE OF STATE BOARD OF HEALTH.

Secretary and Executive Officer, salary	\$ 1,500	\$ 1,500	\$ 3,000
* Pure Food and Drug Commissioner, salary	2,500	2,500	5,000
Bacteriologist, salary	1,500	1,500	3,000
Laboratory equipment	200	200	400
Laboratory supplies and expenses	250	250	500
Chief Inspector, salary	1,800	1,800	3,600
Inspector, salary	1,500	1,500	3,000
Medical Inspector, salary.....	1,500	1,500	3,000

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Inspector, salary	1,200	1,200	2,400
Chief Clerk and Statistician, salary	1,500	1,500	3,000
Clerk and Stenographer, sal- ary	1,200	1,200	2,400
Assistant Statistician, salary...	1,200	1,200	2,400
Clerk and Stenographer, salary	1,200	1,200	2,400
Bulletin			800
*Traveling expenses, Secretary, members and employes.....	2,500	2,500	5,000

Section 21.

*STATE HISTORICAL AND NATURAL HISTORY
SOCIETY.*

Historian and Curator of His- tory, salary	\$ 1,500	\$ 1,500	\$ 3,000
Museum Assistant and Stenog- rapher, salary	810	1,080	1,890
*File Clerk, salary	675	900	1,575
Binding Colorado newspapers and historical documents.....	250	250	500

Section 22.

*STATE ENTOMOLOGIST.
HORTICULTURAL INSPECTION.*

State Entomologist, salary....	\$ 500	\$ 500	\$ 1,000
Per diem of deputies and neces- sary traveling expense.....	2,910	2,910	5,820
Stenographer, salary	240	240	480

Pest Inspection.

State Entomologist, salary....	\$ 500	\$ 500	\$ 1,000
Per diem of deputies and neces- sary traveling expenses.....	1,425	1,425	2,850

* See Governor's letter of transmission, page 50.

	1917	1918	Total
<i>Bee Inspection.</i>			
Deputy Bee Inspector, per diem.	\$ 1,000	\$ 1,000	\$ 2,000
Traveling and incidental expense	500	500	1,000
Section 23.			

**STATE MEAT AND SLAUGHTER PLANT
INSPECTOR.**

State Meat and Slaughter Plant

Inspector, salary	\$ 1,200	\$ 1,200	\$ 2,400
State Veterinarian, salary	500	500	1,000
Traveling expenses	1,300	1,300	2,600

Section 24.

DAIRY COMMISSIONER.

Dairy Commissioner, salary	\$ 500	\$ 500	\$ 1,000
Deputy Dairy Commissioner, salary	1,600	1,600	3,200
Field man, salary	1,200	1,200	2,400
Inspector, salary	1,100	1,100	2,200
Stenographer and Clerk, salary	720	720	1,440
*Traveling and incidental expenses of Commissioner, Deputy Commissioner, Field man and Inspector	3,000	3,000	6,000
Printed forms, circulars, temporary inspectors, supplies and miscellaneous	600	600	1,200

Section 25.

CIVIL SERVICE COMMISSION.

Three Commissioners, salary	\$ 1,800	\$ 1,800	\$ 3,600
Secretary and Chief Examiner, salary	2,000	2,000	4,000

* See Governor's letter of transmission, page 50.

	1917	1918	Total
Salaries of additional employes, and for traveling and con- tingent expenses of the mem- bers of the Commission.....	2,000	2,000	4,000

Section 26.

STATE HIGHWAY COMMISSION.

State Highway Commissioner, salary	\$ 3,000	\$ 3,000	\$ 6,000
Traveling and necessary ex- penses. Commissioner and Advisory Board	1,250	1,250	2,500
Secretary, salary	2,100	2,100	4,200
Stenographer, salary	1,200	1,200	2,400
Contingent Fund for the bien- nial period			14,900

The foregoing' appropriation to the State Highway Commission shall be paid out of the State Road Fund, but shall not be construed as being additional to the appropriation contained in Chapter 88, Session Laws of 1913.

Appropriation
paid from
State Road
Fund

Section 26a.

STATE GEOLOGICAL SURVEY.

State Geologist, salary	\$ 720	\$ 720	\$ 1,440
Clerk, salary	1,200	1,200	2,400
For printing and engraving bulletins, reports and maps..	3,000	3,000	6,000

	1917	1918	Total
*State Geological Survey, field, office and laboratory work and expenses for biennial period			26,160
All of which shall be construed as a first class appropriation.			

Section 27.

OIL INSPECTOR.

Oil Inspector, salary	\$ 1,600	\$ 1,600	\$ 3,200
Two Deputies, salaries	3,000	3,000	6,000
Traveling and General Expenses	1,750.	1,750	3,500
Clerk and Stenographer	800	1,200	2,000

Salaries and expenses paid from fees of office

The salaries and expenses of the State Oil Inspector are to be paid out of the receipts of his office and all fees and receipts of said office in excess of the amounts hereby appropriated shall be turned into the General Fund.

Section 28.

STATE AUDITING BOARD.

Secretary, salary	\$ 1,800	\$ 1,800	\$ 3,600
Secretary of State Auditing Board, to act as Secretary of the State Equalization Board without additional compensation.			

Section 29.

PRINTING COMMISSIONER.

Printing Commissioner, salary	\$ 2,500	\$ 2,500	\$ 5,000
Stenographer and Clerk, salary	800	1,200	2,000

* See Governor's letter of transmission, page 50.

	1917	1918	Total
For printing annual and biennial reports of the various offices, bureaus, boards and departments as provided by law, the sum of			\$15,500

No annual or biennial report of any officer, board, commission, commissioner, board of regents, or board of trustees shall hereafter be printed at the expense of the State until the State Auditing Board has designated in writing on such report how much thereof shall be printed and how many copies thereof shall be printed.

Auditing Board
must authorize
printing of
reports

GEOLOGICAL SURVEY BULLETINS.

Geological Survey Bulletins Nos. 9, 10 and 12, ordered by preceding administration, the sum of			\$ 6,900
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Section 30.

BOARD OF IMMIGRATION.

Commissioner, salary.....	\$ 3,600	\$ 3,600	\$ 7,200
*Deputies, Stenographers and Office Assistants, salaries....	7,200	7,600	14,800
*Traveling expenses	1,100	1,200	2,300
*Newspaper advertising	2,000	2,500	4,500
*Printed matter for distribution	6,000	7,000	13,000
*Postage	1,000	1,500	2,500
*Stationery	750	750	1,500
*Incidentals	300	500	800

* See Governor's letter of transmission, page 50.

	1917	1918	Total
For traveling and general expense incurred outside of the State of Colorado by the Immigration Commissioner, his deputies, or others under his direction in the performance of duties of said Board.	500	500	1,000
*Expense of Industrial Department	2,000	3,000	5,000

Fund for
mobilization
of militia

Section 31. In the event of the declaration of war, by or against the United States of America, against or by any foreign government, or for any other military purposes, that there be and is hereby appropriated out of the general revenue of the State of Colorado, the sum of One Hundred Forty Thousand Dollars (\$140,000) to be expended by and under the direction of the Governor of this State for mobilization of the militia of the State of Colorado during the years 1917 and 1918.

In the event said appropriation hereby made shall be required as herein provided and as determined by the Governor, the said appropriation shall be an appropriation of the first class

\$140,000

* See Governor's letter of transmission, page 50.

	1917	1918	Total
For support and maintenance there is hereby appropriated to the commissioners of The Soldiers' and Sailors' Home the sum of \$90,500. (less \$25,000 appropriated by House Bill No. 5, of the Twenty-first General Assembly), as follows: Maintenance, \$85,000; repairs, \$3,000. plumbing, \$1,000; Dike and Lake, \$1,500.	-		
This appropriation is hereby declared to be a first class appropriation.			

Section 32.

*JUDICIAL DEPARTMENT.
SUPREME COURT.*

Seven Justices, salaries.....	\$35,000	\$35,000	\$70,000
Clerk, salary	4,000	4,000	8,000
Chief Deputy Clerk, salary....	3,500	3,500	7,000
Deputy Clerk, salary	2,500	2,500	5,000
Reporter, salary	3,000	3,000	6,000
Librarian, salary	1,500	1,500	3,000
Two Bailiffs, salaries.....	3,000	3,000	6,000
Seven Stenographers, salaries..	8,400	8,400	16,800

(The salaries of the seven stenographers shall be paid from the Supreme Court Library Fund.)

State Committee of Law Examiners, expenses, including salary of Secretary	1,500
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DISTRICT COURTS.

	1917	1918	Total
Twenty-two District Judges, salaries	\$88,000	\$88,000	\$176,000
Thirteen District Attorneys, salaries	10,400	10,400	20,800
Traveling expenses of District Judges—			
District No. 1.			400
District No. 3.			600
District No. 4.			450
District No. 5.			150
District No. 6.			300
District No. 7.			200
District No. 8.			400
District No. 9.			400
District No. 10.			225
District No. 11.			250
District No. 12.			300
District No. 13.			250

Section 33.

Incidental
expenses

To provide for the incidental and contingent expenses including printing, postage, stationery, supplies, telephone, express and miscellaneous items of the several officers and departments herein mentioned, there is hereby appropriated the sum of Ninety thousand six hundred thirty-five dollars (\$90,635.00)

Governor \$ 2,500

Secretary of State:

*Secretary's office 21,000

* See Governor's letter of transmission, page 50.

	Total
Labor Commissioner, Bureau of Statistics	1,200
Free Employment Bureau, four offices	4,250
Factory Inspection Department	500
State Treasurer	1,500
*Auditor of State	2,500
Attorney General	3,000
Superintendent of Public Instruction	2,200
Supreme Court	3,000
Public Utilities	7,000
*State Engineer	4,500
Coal Mine Inspector	200
Board of Charities and Corrections	1,000
Board of Health and Pure Food Commissioner	1,600
Bureau of Child and Animal Protection	450
Dairy Commissioner	400
Bureau of Mines	1,000
Game and Fish Commissioner	300
Inspector of Oils	500
*Boiler Inspector	1,500
*Public Examiner	3,000
*Bank Commissioner	2,000
*Traveling Library	500
*Printing Commissioner	600
Tax Commission	2,000
*Civil Service Commission ..	500
*Industrial Commission	11,735
*Board of Immigration	2,400

* See Governor's letter of transmission, page 50.

	Total
Auditing Board	300
*State Entomologist	500
*State Board of Land Commissioners	3,000
*State Historical and Natural History Society	1,000
To provide for emergency, available for any or all of the departments, boards, bureaus and offices of the state	3,000

LEGISLATIVE DEPARTMENT.

Legislative
salaries and
expenses

Section 34. For the per diem and actual and necessary traveling expenses of members of the Twenty-first General Assembly, the per diem of officers, clerks, sergeant-at-arms, pages, janitors, chaplains and other employes of the Twenty-first General Assembly, there is hereby appropriated the sum of . . . \$140,000

Legislative
printing

Section 35. For all printing required by the Twenty-first General Assembly for the years 1917 and 1918, including House and Senate bills, calendars, journals, roll-calls, reports, letter heads, envelopes, rules, bill covers and engrossing blanks, the sum of 17,000

Printing House
and Senate
Journals

Section 36. For printing House and Senate journals of the Twenty-first General Assembly, the sum of 4,000

* See Governor's letter of transmission, page 50.

Section 37. For printing Session Laws of the Twenty-first General Assembly, the sum of.....

Printing
Session
Laws

2,500

Section 38. For checking, copying, indexing and compiling House and Senate Journals and Session Laws of the Twenty-first General Assembly there is hereby appropriated the sum of

Indexing and
checking
Journals and
Session Laws

2,000

to be expended under the direction of the Secretary of State.

Section 39. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the ordinary expenses of the departments of the State, the sum of Fifteen Thousand Dollars (\$15,000) or so much thereof as may be necessary for the payment of any premiums that may become due the State Compensation Insurance Fund in compliance with Section Forty-four of the Workmen's Compensation Act; and the State Auditor is hereby authorized and directed to draw warrants on said fund upon certified vouchers of the Industrial Commission approved by the Governor.

State
Compensation
Insurance
Fund

Section 40. All moneys appropriated under this Act for the fiscal year 1917 shall be paid out only for expenses of the fiscal year 1917, and all moneys appropriated under this Act for the fiscal year 1918 shall be paid out only for the expenses of the fiscal year 1918.

Money paid
only for year
appropriated

* Section 41. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars, (\$15,000) for the care and repair of buildings on, and for the drainage of the land of the Indian School property at Grand Junction, Colorado, to be expended under the

Indian school
at Grand
Junction

* See Governor's letter of transmission, page 50.

direction of the Governor and the State Board of Agriculture for the biennial period of 1917-1918.

Manner of
payment

Section 42. All moneys appropriated hereby shall be paid out as provided by law and not otherwise.

Control of
Auditing
Board

Section 43. All appropriations herein made for the several executive and judicial departments and State boards and bureaus, except appropriations for salaries and services, and funds under the direction and control of the Governor, shall be deemed and held to be appropriations for the contingent and incidental expenses of such departments, boards and bureaus, and as such shall become subject to all the terms and provisions of an Act entitled, "An Act creating a State Auditing Board and defining the powers and duties thereof," approved March 17th, 1911.

Emergency
clause

Section 44. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage.

Approved: April 23, 1917, save and except the following items: Sec. 3—\$800: Sec. 4—\$1000: Sec. 7.—\$2400: Sec. 10—\$2500: Sec. 12, \$2000: Sec. 15, \$1200: Sec. 17, \$5000: Sec. 18, \$10,110: Sec. 19, \$1000: Sec. 20, \$2000: Sec. 21, \$1,200: Sec. 24, \$1200: Sec. 26a, \$4,160: Sec. 30, \$15,300: Sec. 33, \$8,817: Sec. 41, \$10,000, as is fully set forth in Veto Message following.

STATE OF COLORADO EXECUTIVE CHAMBER DENVER.

*Honorable James R. Noland, Secretary of State, Denver,
Colorado.*

Dear Sir:

I transmit herewith, for filing in your office, House Bill No. 208, entitled:

**"AN ACT TO PROVIDE FOR THE PAY-
MENT OF THE ORDINARY EX-**

PENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO FOR THE FISCAL YEARS 1917 and 1918."

I approve of all of this Bill save and except,

(1) The items contained in Section 3, page 3 of said Act as follows: "Commission Merchant Inspectors, salaries, \$3,000, \$3,000, \$6,000," of which item I approve \$5,600 and disapprove \$400.

"Traveling expenses for Commission Merchant Inspectors, \$900, \$900, \$1,800," of which item I approve \$1,400, and disapprove \$400.

(2) The item contained in Section 4, page 3, as follows: "Traveling expenses of Public Examiner, \$500, \$500, \$1,000," all of which item I disapprove.

(3) The item contained in Section 7, page 4, as follows: "For general support and maintenance of the system of free traveling libraries of the State of Colorado, \$1,800, \$1,800, \$3,600," of which item I approve \$1,200 and disapprove \$2,400.

(4) The item contained in Section 10, page 5, as follows: "To print 10 chapters of the 18th biennial report of State Engineer, any portion of this item above actual cost to remain in General Fund, \$1,250, \$1,250, \$2,500," all of which item I disapprove.

(5) The item contained in Section 12, page 7, as follows: "General expenses, including services heretofore rendered in securing statistics for the Bureau of Mines and traveling expenses of Inspectors, \$4,000, \$4,000, \$8,000," of which item I approve \$6,000 and disapprove \$2,000.

(6) The item contained in Section 15, page 8, as follows: "Traveling expenses, \$2,400, \$2,400, \$4,800," of which item I approve \$3,600 and disapprove \$1,200.

(7) The items contained in Section 17, page 8, as follows: "Traveling expenses commissioner and employes, including expenses of traveling outside of the State of Colorado on official business when such traveling has been previously authorized and approved by the State Auditing Board, \$3,500, \$3,500, \$7,000," of which item I approve \$6,000, and disapprove \$1,000.

"For rate investigation, \$6,000," of which item I approve \$4,000 and disapprove \$2,000.

The item contained in Section 17, page 9, "And for an attorney and such experts, engineers, statisticians and accountants as the Commission may appoint with the approval of the Governor, all of whom shall be subject to removal by the Commission, \$12,360, \$12,360, \$24,720," of which item I approve \$22,720, and disapprove \$2,000.

(8) The items contained in Section 18, page 9, as follows: "Deputy Game and Fish Commissioner, salary, \$1,500, \$1,500, \$3,000," of which item I approve \$625 and disapprove \$2,375.

"Traveling expenses of Deputy Game and Fish Commissioners, \$480, \$480, \$960," of which item I approve \$200 and disapprove \$760.

"Traveling expenses, \$500, \$500, \$1,000," of which item I approve \$200 and disapprove \$800.

"State Superintendent of Hatcheries, salary, \$1,500, \$1,500, \$3,000," of which item I approve \$625 and disapprove \$2,375.

"Five Chief Game Wardens at \$100 per month, salaries, \$6,000, \$6,000, \$12,000," of which item I approve \$10,100 and disapprove \$1,900.

"Superintendent of Routt County Hatchery, salary, \$1,200, \$1,200, \$2,400," of which item I approve \$500 and disapprove \$1,900.

(9) The item contained in Section 19, page 10, as follows: "Traveling and contingent expenses including expenses of traveling outside the State of Colorado on of-

ficial business, when such traveling has been previously authorized and approved by the State Auditing Board, \$11,025," of which item I approve \$10,025 and disapprove \$1,000.

(10) The items contained in Section 20, page 10, as follows: "Pure food and Drug Commissioner, salary, \$2,500, \$2,500, \$5,000," of which item I approve \$4,000 and disapprove \$1,000.

"Traveling expenses, Secretary, members and employes, \$2,500, \$2,500, \$5,000," of which item I approve \$4,000 and disapprove \$1,000.

(11) The item contained in Section 21, page 10, as follows: "File Clerk, salary, \$675, \$900, \$1,575," of which item I approve \$375 and disapprove \$1,200.

(12) The item contained in Section 24, page 11, as follows: "Traveling and incidental expenses of Commissioner, Deputy Commissioner, field man and Inspector, \$3,000, \$3,000, \$6,000," of which item I approve \$4,800 and disapprove \$1,200.

(13) The item contained in Section 26a, page 12, as follows: "State Geological Survey, field, office and laboratory work and expenses for biennial period, \$26,160," of which item I approve \$22,000 and disapprove \$4,160.

(14) The items contained in Section 30, page 13, as follows: "Deputies, stenographers and office assistants, salaries, \$7,200, \$7,600, \$14,800," of which item I approve \$12,800 and disapprove \$2,000.

"Traveling expenses, \$1,100, \$1,200, \$2,300," all of which item I disapprove.

"Newspaper Advertising, \$2,000, \$2,500, \$4,500," of which item I approve \$2,500 and disapprove \$2,000.

"Printed matter for distribution, \$6,000, \$7,000, \$13,000," of which item I approve \$8,000 and disapprove \$5,000.

"Postage, \$1,000, \$1,500, \$2,500," of which item I approve \$1,500 and disapprove \$1,000.

"Stationery, \$750, \$750, \$1,500," of which item I approve \$500 and disapprove \$1,000.

"Incidentals, \$300, \$500, \$800," of which item I approve \$300 and disapprove \$500.

"Expense of Industrial Department, \$2,000, \$3,000, \$5,000," of which item I approve \$3,500 and disapprove \$1,500.

(15) The items contained in Section 33, page 15, as follows: "Secretary of State," "Secretary's Office, \$21,000," of which item I approve \$20,000 and disapprove \$1,000.

"Auditor of State, \$2,500," of which item I approve \$2,000 and disapprove \$500.

"State Engineer, \$4,500," of which item I approve \$3,500 and disapprove \$1,000.

"Boiler Inspector, \$1,500," of which item I approve \$500 and disapprove \$1,000.

"Public Examiner, \$3,000," of which item I approve \$2,500 and disapprove \$500.

"Bank Commissioner, \$2,000," of which item I approve \$1,500 and disapprove \$500.

"Traveling Library, \$500," of which item I approve \$300 and disapprove \$200.

"Printing Commissioner, \$600," of which item I approve \$500 and disapprove \$100.

"Civil Service Commission, \$500," of which item I approve \$200 and disapprove \$300.

"Industrial Commission, \$11,735," of which item I approve \$10,668 and disapprove \$1,067.

"Board of Immigration, \$2,400," of which item I approve \$2,000 and disapprove \$400.

"Entomologist, \$500," of which item I approve \$250 and disapprove \$250.

"State Board of Land Commissioners, \$3,000," of which item I approve \$1,500 and disapprove \$1,500.

The item contained in Section 33, page 16, as follows:
"State Historical and Natural History Society, \$1,000,"
of which item I approve \$500 and disapprove \$500.

(16) The item contained in Section 41, page 17, appropriating \$15,000 for care and repairs of buildings and for the drainage of the land of the Indian School property at Grand Junction, of which item of \$15,000 I approve \$5,000, and disapprove \$10,000.

GIVEN under my hand and the Executive Seal this
Twenty-third day of April, A. D. 1917.

JULIUS C. GUNTER,
Governor.

(SEAL)

CHAPTER 12.

APPROPRIATION

GENERAL—SHORT

(H. B. No. 28, by Mr. Ardourel)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO FOR THE MONTHS OF DECEMBER, 1916, JANUARY, FEBRUARY AND MARCH, 1917.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation	Section 1. That the following sums or so much thereof as may be necessary, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated for the payment of the expenses of the executive, legislative, and judicial departments of the State of Colorado,
Period covered	for the months of December, 1916, January, February and March, 1917:

EXECUTIVE DEPARTMENT

Section 2. *Governor's Office.*

Governor, salary.....	\$ 1,666.66
Private Secretary's salary.....	\$ 500.00
Executive Clerk, salary.....	\$ 400.00
Stenographer, salary	\$ 400.00
Messenger, salary.....	\$ 400.00

Governor's Contingent Fund for official or semi-official purposes December 1, 1916, to January 9, 1917, to cover deficiency of preceding administration. \$2,600 (any balance remaining from \$2,600 to revert to Governor's Contingent Fund from January 9th, 1917, to April 1st, 1917)	\$ 2,600.00
Governor's Contingent Fund for official or semi-official purposes to be determined by him from January 9th, 1917, to April 1st, 1917	\$ 1,000.00
Lieutenant Governor's salary	\$ 333.33
Lieutenant Governor's Incidental and office expenses, for official or semi-official purposes to be determined by him	\$ 166.66

Section 3. *Secretary of State's Office.*

Secretary of State, salary	\$ 1,333.34
Deputy Secretary of State, salary	\$ 833.34
Chief Clerk and Auditor, salary	\$ 600.00
Bookkeeper and Requisition Clerk, salary	\$ 600.00
Filing Clerk, salary	\$ 600.00
Information Clerk, salary	\$ 500.00
Clerk, Cashier and Accountant, Salary	\$ 500.00
Cashier of Flat Tax Department, Salary	\$ 600.00
Assistant Cashier of Flat Tax Department, Salary	\$ 400.00
Computor Flat Tax Department, Salary	\$ 400.00
Computor Flat Tax Department, Salary	\$ 400.00
Voucher Clerk and Stenographer, Salary	\$ 400.00
Voucher Clerk and Stenographer, Salary	\$ 400.00
Clerk and Stenographer, Salary	\$ 400.00
Clerk and Stenographer, Salary	\$ 400.00
Chief Recording Clerk, Salary	\$ 400.00
Chief Recording Clerk, Salary	\$ 400.00
Assistant Recording Clerk, Salary	\$ 400.00
Chief Comparing Clerk, Salary	\$ 400.00

Assistant Comparing Clerk, Salary.....	\$ 400.00
Assistant Comparing Clerk, Salary.....	\$ 400.00
Motor-Vehicle Cashier and Clerk, Salary.....	\$ 500.00
Assistant Motor-Vehicle Clerk, Salary.....	\$ 400.00
Assistant Motor-Vehicle Clerk, Salary.....	\$ 400.00
Chief Document Clerk, Salary.....	\$ 400.00
Assistant Document Clerk, Salary.....	\$ 400.00
Assistant Document Clerk, Salary.....	\$ 400.00
One Messenger and Assistant Clerk, Salary....	\$ 300.00
Commission Merchant Inspector, Salary.....	\$ 500.00
Commission Merchant Inspector, Salary.....	\$ 500.00
Expenses for Inspection, Salary.....	\$ 500.00
Deputy Labor Commissioner's Salary.....	\$ 833.34
Labor Statistician, Salary.....	\$ 500.00
Stenographer, Salary	\$ 400.00
Deputy Labor Commissioner's Traveling Ex- penses	\$ 150.00
Bureau of Labor Statistics Incidental Expense..	\$ 200.00
Denver Free Employment Bureau Office No. 1, Superintendent' Salary	\$ 400.00
Denver Free Employment Bureau Office No. 1, Assistant Superintendent's Salary.....	\$ 333.34
Denver Free Employment Bureau Office No. 2, Superintendent's Salary	\$ 400.00
Denver Free Employment Bureau Office No. 2, Assistant Superintendent's Salary	\$ 333.34
Pueblo Free Employment Bureau Office, Super- intendent's Salary	\$ 400.00
Pueblo Free Employment Bureau Office, Assist- ant Superintendent's Salary	\$ 333.34
Colorado Springs Free Employment Bureau Office, Superintendent's Salary	\$ 400.00
Colorado Springs Free Employment Bureau Office, Maintenance for Free Employment Bureau	\$ 1,250.00
Assistant Superintendent's Salary	\$ 333.34
Four Deputy Factory Inspectors' Salaries.....	\$ 1,600.00

One Clerk, Factory Inspection Department,	
Salary	\$ 400.00
One Stenographer, Factory Inspection Department, Salary	\$ 400.00
Four Deputy Factory Inspectors' Traveling Expenses	\$ 800.00

Section 4. *Public Printing.*

Commissioner of Public Printing, Salary	\$ 833.33
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Section 5. *Auditor of State's Office.*

State Auditor's Salary	\$ 1,333.33
Deputy Auditor's Salary	\$ 833.33
Bookkeeper's Salary	\$ 600.00
Assistant Bookkeeper's Salary	\$ 500.00
Registrar's Salary	\$ 400.00
Assistant Registrar's Salary	\$ 400.00
Clerk and Stenographer, Salary	\$ 400.00
Messenger's Salary	\$ 300.00
General Incidental Expenses	\$ 500.00
Inspector Building and Loan Association's Salary	\$ 666.66
Inspector Building and Loan Association's Traveling Expenses	\$ 166.66
Public Examiner's Salary	\$ 1,000.00
Stenographer's Salary	\$ 400.00
Tabulator's Salary	\$ 400.00
State Examiner's and Assistants to State Examiner's salary	\$ 6,000.00
State Examiner's and Assistant's Traveling Expenses	\$ 2,400.00

Section 6. *Office of State Treasurer.*

State Treasurer's Salary	\$ 2,000.00
Deputy State Treasurer's Salary	\$ 833.33
Bookkeeper's Salary	\$ 600.00
Accountant Clerk's Salary	\$ 500.00
Cashier's Salary	\$ 600.00
Stenographer's Salary	\$ 400.00

Section 7. *Office of Superintendent of Public Instruction.*

Superintendent of Public Instruction's Salary.....	\$ 1,000.00
Deputy, Salary	\$ 800.00
Traveling Expenses of Superintendent and Deputy in and out of State.....	\$ 400.00
Stenographers' Salaries (two).....	\$ 800.00
Clerk's Salary	\$ 400.00

Section 8. *Office of Attorney General.*

Attorney General's Salary.....	\$ 1,666.66
Emergency Fund under direction of Attorney General for traveling expenses, court costs, disbarment proceedings, fees and incidental expenses, etc.	\$ 1,000.00
Contingent Fund, under direction of Attorney General for the employment of Special Counsel for all offices, bureaus, institutions and departments and for other purposes to be determined by him.....	\$ 2,000.00
Deputy Attorney General's Salary.....	\$ 1,000.00
First Assistant Attorney General's Salary.....	\$ 833.33
Second Assistant Attorney General's Salary.....	\$ 833.33
Third Assistant Attorney General's Salary.....	\$ 600.00
Law Stenographer's Salaries	\$ 1,200.00

Section 9. *State Engineer.*

State Engineer's Salary.....	\$ 1,000.00
Two Deputy State Engineers' Salaries.....	\$ 1,200.00
Traveling and Contingent Expenses of State Engineer and Deputies.....	\$ 300.00
Draftsman (Chief Clerk), Salary.....	\$ 500.00
Chief Hydrographer, Salary.....	\$ 600.00
Four Hydrographers' Salaries.....	\$ 2,000.00
Stenographic Services	\$ 600.00
File Clerk, Salary	\$ 400.00

Incidental Expenses, including salaries of gauge readers, purchase of equipment and repairs on same, installation and upkeep of river measuring stations	\$ 666.66
Traveling Expenses, Four Hydrographers.....	\$ 666.66
Division Engineer, Division No. 1, Salary.....	\$ 833.33
Division Engineer, Division No. 2, Salary.....	\$ 833.33
Division Engineer, Division No. 3, Salary.....	\$ 500.00
Division Engineer, Division No. 4, Salary.....	\$ 500.00
Division Engineer, Division No. 5, Salary.....	\$ 500.00
Traveling Expenses of Division Engineer, Division No. 1.....	\$ 166.66
Traveling Expenses of Division Engineer, Division No. 2	\$ 166.66
Traveling Expenses of Division Engineer, Division No. 3	\$ 166.66
Traveling Expenses of Division Engineer, Division No. 4	\$ 166.66
Traveling Expenses of Division Engineer, Division No. 5	\$ 166.66

Section 10. *Office of Bank Commissioner.*

State Bank Commissioner, Salary.....	\$ 1,200.00
Chief Deputy State Bank Commissioner, Salary	\$ 800.00
Three Deputy State Bank Commissioners, Salary	\$ 1,800.00
One Stenographer, Salary	\$ 360.00
One Clerk, Salary	\$ 360.00
Traveling Expenses	\$ 900.00

Section 11. *Tax Commission.*

Three Tax Commissioners' Salaries.....	\$ 3,600.00
Secretary's Salary	\$ 600.00
Chief Clerk's Salary	\$ 500.00
Clerk, Salary	\$ 400.00
Stenographer, Salary	\$ 400.00

Investigator, Salary	\$ 270.00
Traveling and Incidental Expense Fund.....	\$ 400.00
Expense for Assessors' Meeting.....	\$ 1,850.00

Section 12. *State Auditing Board.*

Secretary's Salary	\$ 600.00
Clerk, Salary	\$ 400.00

Section 13. *State Board of Charities and Corrections.*

Secretary's Salary	\$ 600.00
Traveling and Incidental Expenses of Board and Secretary	\$ 250.00
Assistant Secretary	\$ 400.00
Investigator	\$ 400.00
Stenographer	\$ 400.00
Stenographer	\$ 400.00

Section 14. *State Meat and Slaughter Plant Inspector.*

Salary of State Veterinary Surgeon.....	\$ 166.66
Salary of State Meat Inspector.....	\$ 400.00
Traveling Expenses, State Meat Inspector....	\$ 400.00

Section 15. *Board of Health.*

Secretary State Board of Health's Salary.....	\$ 333.33
Traveling Expenses of Members and Inspectors..	\$ 300.00
Bacteriologist, Salary	\$ 500.00
Clerk of Vital Statistics, Salary.....	\$ 400.00
Clerk and Stenographer, Salary.....	\$ 400.00
Transcribing Clerk, Salary	\$ 400.00
Assistant Statistician, Salary.....	\$ 400.00
Medical Inspections	\$ 300.00
Pure Food and Drug Inspector's Salary.....	\$ 500.00
Pure Food Commissioner's Salary.....	\$ 666.33
Food Inspector's Salary	\$ 400.00
Food Inspector's Salary	\$ 400.00

Food Inspector's Salary	\$ 400.00
Laboratory Expenses	\$ 166.66
Traveling Expenses of Commissioner and Food Inspectors	\$ 500.00

Section 16. *Game and Fish.*

Game and Fish Commissioner's Salary	\$ 666.66
Game and Fish Commissioner's Expenses	\$ 200.00
Deputy Game and Fish Commissioner's Salary	\$ 500.00
Deputy Game and Fish Commissioner's Expenses	\$ 160.00
Superintendent of Hatcheries, Salaries	\$ 500.00
Superintendent of Hatcheries, Expenses	\$ 166.66
Clerk and Stenographer's Salary	\$ 500.00
Clerk and Stenographer's Salary	\$ 400.00
Chief Game Warden's Salary	\$ 400.00
Chief Game Warden's Expenses	\$ 160.00
Chief Game Warden's Salary	\$ 400.00
Chief Game Warden's Expenses	\$ 160.00
Chief Game Warden's Salary	\$ 400.00
Chief Game Warden's Expenses	\$ 160.00
Chief Game Warden's Salary	\$ 400.00
Chief Game Warden's Expenses	\$ 160.00
Superintendent of Denver Hatchery, Salary ..	\$ 400.00
Maintenance of Denver Hatchery	\$ 250.00
Superintendent of Glenwood Hatchery, Salary ..	\$ 400.00
Maintenance of Glenwood Hatchery	\$ 250.00
Superintendent of La Plata Hatchery, Salary ..	\$ 400.00
Maintenance La Plata Hatchery	\$ 250.00
Superintendent of Del Norte Hatchery, Salary ..	\$ 400.00
Superintendent of Routt County Hatchery, Salary	\$ 400.00
Superintendent of Gunnison Hatchery, Salary ..	\$ 400.00

Section 17. *State Teachers of Adult Blind.*

Teacher of Adult Blind, Salary	\$ 333.33
Teacher of Adult Blind, Expenses	\$ 166.66

Section 18. *Public Utilities Commission.*

Three Commissioners' Salaries.....	\$ 4,000.00
Secretary's Salary	\$ 833.33
Other Employes' Salaries	\$ 9,000.00
Traveling Expenses of Commissioners and Em- ployes, including expenses and traveling outside of the State of Colorado on official business	\$ 1,000.00

Section 19. *Civil Service Commission.*

Secretary and Chief Examiner's Salary.....	\$ 800.00
Salaries of additional employes, and for travel- ing, incidental and other expenses.....	\$ 1,138.33

Section 20. *State Historical and Natural
History Society.*

Curator's Salary	\$ 500.00
Museum Assistant's Salary	\$ 400.00
File Clerk, Salary	\$ 300.00
Expenses	\$ 133.33

Section 21. *State Entomologist.*

State Entomologist's Salary.....	\$ 166.66
Deputies and Assistants' Salaries.....	\$ 666.66
Assistant State Entomologist (Bee Inspector) ..	\$ 333.33
Expenses	\$ 200.00
Pest Inspector's Salary	\$ 166.66
Deputies and Expenses.....	\$ 300.00

Section 22. *Office of State Highway Com-
missioner.*

Commissioner's Salary	\$ 1,000.00
Advisory Board, traveling and necessary ex- penses	\$ 416.66
Secretary's Salary	\$ 700.00

Stenographer's Salary	\$ 400.00
Contingent Fund	\$ 2,833.33

The foregoing appropriations contained in
Section 22 shall be paid from the State
Road Fund.

Section 23. *State Bureau of Mines.*

Commissioner of Mines' Salary	\$ 1,000.00
Commissioner of Mines' Traveling Expenses...	\$ 375.00
Four Inspectors' Salaries	\$ 2,400.00
Four Inspectors' Traveling Expenses	\$ 1,500.00
Clerk and Assistant Curator's Salary	\$ 500.00
Stenographer, Salary	\$ 400.00
To continue classification of Mineral Exhibit..	\$ 400.00

Section 24. *Office of State Inspector of
Steam Boilers.*

Boiler Inspector's Salary	\$ 833.33
Boiler Inspector's Traveling Expenses	\$ 200.00
Two Deputy Inspectors' Salaries	\$ 1,200.00
Two Deputy Inspectors' Traveling Expenses..	\$ 400.00
Clerk's Salary	\$ 333.33

Section 25. *State Library.*

Maintenance of State Library	\$ 166.66
Assistant State Librarian, Salary	\$ 333.33

Section 26. *State Board of Immigration.*

Statistician's Salary	\$ 600.00
Clerk and Stenographer, Salary	\$ 440.00
Commissioner, Salary	\$ 1,200.00
One Stenographer's Salary	\$ 340.00
One Stenographer's Salary	\$ 240.00
One Stenographer's Salary, 3 months	\$ 180.00
To complete booklets	\$ 200.00
Postage	\$ 300.00
Stationery and Printing	\$ 225.00
One Typewriter	\$ 90.00
Traveling Expenses	\$ 150.00

Section 27. *State Land Board.*

Three Members of Land Board, Salary.....\$ 3,000.00

To be paid from Land Commissioners' Cash
Fund.

Clerk of Land Board, Salary.....	\$ 500.00
Deputy Register's Salary	\$ 600.00
Clerk to Deputy Register, Salary.....	\$ 400.00
Superintendent of Mines, Salary.....	\$ 667.00
Three Appraisers' Salaries	\$ 1,500.00
Chief Clerk, Salary	\$ 500.00
Collection Clerk, Salary.....	\$ 400.00
Lease Clerk, Salary	\$ 400.00
Plat Clerk, Salary	\$ 400.00
Stenographer's Salary	\$ 400.00
Clerk, Salary	\$ 400.00
Recording Clerk, Salary	\$ 400.00
Two Stenographers for two months.....	\$ 400.00
Two Appraisers for two months.....	\$ 500.00
Postage, Telephone and Telegraph.....	\$ 100.00
Office Printing	\$ 100.00
Traveling Expenses Appraisers and Land Com- missioners	\$ 500.00
Advertising	\$ 300.00

Section 28. *Office of Geological Survey.*General Expenses \$ 3,500.00 |Section 29. *Office of State Bureau Child
and Animal Protection.*

Three State Officers' Salaries.....	\$ 1,200.00
Clerk and Stenographer's Salary.....	\$ 400.00
Secretary's Salary	\$ 600.00
Traveling Expenses of State Officers.....	\$ 400.00

Section 30. *State Dairy Commissioner's
Office.*

Commissioner's Salary	\$ 166.66
Deputy Commissioner's Salary	\$ 533.33

Field Man's Salary	\$ 400.00
Inspector's Salary	\$ 366.66
Clerk and Stenographer's Salary.....	\$ 240.00
Commissioner's Traveling Expense.....	\$ 66.66
Deputy Commissioner's Traveling Expenses....	\$ 133.33
Field Man's Traveling Expense.....	\$ 400.00
Inspector's Traveling Expense.....	\$ 400.00
Office Expense	\$ 66.66
Printed Forms and Circulars.....	\$ 100.00
Temporary Inspector, Samples and Miscel- laneous	\$ 100.00

Section 31. *Industrial Commission.*

Salaries	\$12,366.52
General Expenses	\$ 750.00
Bills contracted for, but not paid.....	\$ 2,385.55
Inspector's Services, 1917	\$ 300.00

Section 32. *Judicial Department. Supreme Court.*

Twenty-two District Judges' Salaries.....	\$29,133.33
Traveling Expenses of District Judges.....	\$ 2,000.00
Seven Justices, Salaries	\$11,666.66
Thirteen District Attorneys' Salaries.....	\$ 3,466.66
One Clerk, Salary	\$ 1,000.00
One Chief Deputy Clerk, Salary.....	\$ 1,166.66
One Deputy Clerk Salary.....	\$ 833.33
One Reporter, Salary	\$ 1,000.00
One Librarian, Salary	\$ 500.00
Two Bailiffs, Salaries	\$ 1,000.00
Seven Stenographers, Salaries	\$ 2,800.00
State Board of Law Examiners, Expenses and Salaries	\$ 250.00

Section 33. *For Printing Biennial Reports*
of the various Officers and Bureaus, Boards and
Departments, as provided by law, the sum of
Fifteen Thousand Dollars (\$15,000.00) or so
much thereof as may be necessary.....\$15,000.00

**Incidental and
contingent
expenses**

Section 34. To provide for the incidental and contingent expenses, including printing, postage, stationery, supplies, telephone, telegraph, express and miscellaneous items of the several offices and departments herein mentioned, all moneys appropriated by this section to be under the direction of the State Auditing Board as set forth in Chapter 76, Session Laws, 1911; there is hereby appropriated the sum set opposite each officer and department named below, to-wit:

Governor	\$ 500.00
Secretary of State's Office	\$ 3,500.00
Labor Commissioner	
Factory Inspector's Department	\$ 100.00
State Treasurer	\$ 500.00
Auditor of State	\$ 500.00
Attorney General	\$ 500.00
Superintendent of Public Instruction	\$ 500.00
Supreme Court	\$ 600.00
Utilities Commission	\$ 1,500.00
State Engineer	\$ 1,000.00
Division Engineers, 1, 2, 3, 4 and 5	\$ 500.00
Board of Charities and Corrections	\$ 250.00
Board of Health, and Pure Food Commissioner	\$ 266.66
Bureau of Child and Animal Protection	\$ 150.00
Bureau of Mines	\$ 250.00
Game and Fish Commissioner	\$ 50.00
Inspector of Oils	\$ 250.00
Boiler Inspector	\$ 50.00
Public Examiner	\$ 500.00
Bank Commissioner	\$ 250.00
Traveling Library Commissioner	
Printing Commissioner	\$ 100.00
Pure Food Commissioner	
Highway Commissioner	\$ 100.00
Civil Service Commission	\$ 166.66

Tax Commissioner	\$ 300.00	
Industrial Commission	\$ 1,075.00	
State Land Board	\$ 200.00	
Board of Immigration	\$ 100.00	
State Auditing Board	\$ 150.00	
State Historical and Natural History Society	\$ 100.00	
To provide for an emergency fund available for any or all of the departments of the State Government	\$ 1,000.00	Emergency fund

Section 35. For the publication of constitutional amendments, initiated and referred bills\$60,494.34

Publication

Section 36. Legislative Department. For the payment of a part of the per diem and actual necessary traveling expenses of members of the Twenty-first General Assembly, the per diem of officers, clerks, sergeant-at-arms, pages, janitors, chaplains and other employes of the Twenty-first General Assembly, there is hereby appropriated the sum of \$75,000.00 (or so much thereof as may be necessary).

Legislative department

Section 37. For printing required by the Twenty-first General Assembly for the years 1916 and 1917, House and Senate Bills, calendars, roll calls, reports, letter heads, envelopes, rules, bill covers, engrossing blanks; there is hereby appropriated the sum of Eleven Thousand (\$11,000.00) Dollars (or so much thereof as may be necessary).....\$11,000.00

Legislative printing

For all supplies and miscellaneous expense of the Twenty-first General Assembly, there is hereby appropriated the sum of.....\$ 6,000.00 (or so much thereof as may be necessary).

Legislative supplies

Committee on
State
Institutions

Section 38. Whereas, by Senate Joint Resolution No. 6 of the Twentieth General Assembly, there was appointed a committee consisting of two Senators and three Representatives of the members of the Twenty-first General Assembly to visit the State Institutions of the State of Colorado, for the purpose of ascertaining the needs of said institutions, in order that such institutions might be brought to their fullest efficiency, and

Whereas, said Resolution provided that such committee should serve without pay, except as to their actual expenses, and

Whereas, such committee has reported an expenditure for actual expenses the sum of \$763.05:

There is hereby appropriated, to be paid to said committee the sum of.....\$ 763.05 and the Auditor of the State is hereby authorized to issue warrants to the several members of said committee upon vouchers approved by the Chairman of said committee for the respective amounts expended by them.

Legislative
employees
opening days

Section 39. Whereas, J. J. Layton, served as Secretary in the opening days of the session of the Twenty-first General Assembly and prior to its organization, and

Whereas, Henry C. Luther, served as Chief Clerk of the House of Representatives in the opening days of the Session of the Twenty-first General Assembly and prior to its organization,

There is hereby appropriated, to be paid to J. J. Layton \$75.00 for services and traveling expenses; to Henry C. Luther \$75.00 for services and traveling expenses.

Whereas, John W. Fike, served as Chaplain in the opening of the Twenty-first General Assembly, there is

hereby appropriated to be paid to John W. Fike, for service, \$3.00.

Section 40. In the opinion of the General Assembly ^{Emergency} an emergency exists, therefore this Act shall take effect ^{clause} and be in force from and after its passage.

Approved: February 6, 1917.

CHAPTER 13.

APPROPRIATION
INDUSTRIAL WORKSHOP FOR THE BLIND

(S. B. No. 246, by Senator Dunklee)

AN ACT

TO MAKE AN APPROPRIATION FOR PART PAYMENT OF
THE SUPPORT, MAINTENANCE, OPERATION AND
CONDUCT OF, AND TO PAY THE SALARIES OF THE
OFFICERS AND EMPLOYES OF THE INDUSTRIAL
WORKSHOP FOR THE BLIND FOR THE YEARS 1916
AND 1917.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. That there is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, for part payment of the support, maintenance, operation and conduct of, and to pay the salaries of the officers and employes of the Industrial Workshop for the Blind for the months of December, 1916, and January, February, March and April, 1917, the sum of five thousand (5,000) dollars.

Section 2. All moneys appropriated by this act shall be expended under the direction and control of the Board of Control of the Colorado Industrial Workshop for the Blind to the aggregate amount of five thousand (5,000) dollars.

Emergency
clause

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved: March 6, 1917.

CHAPTER 14.

APPROPRIATIONINDUSTRIAL WORKSHOP FOR THE BLIND

(H. B. No. 564, by Mr. Crowley)

AN ACT

TO MAKE AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE INDUSTRIAL WORKSHOP FOR THE BLIND, INCLUDING THE PAYMENT OF THE SALARIES OF THE OFFICERS AND EMPLOYEES THEREOF, FOR THE YEARS 1917 AND 1918, THE PURCHASE OF FIXTURES AND THE REPAIRS TO THE PROPERTY OF THE INSTITUTION.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any funds in the State Treasury, not already appropriated, for the support and maintenance of the Industrial Workshop for the Blind, including payment of the salaries of the officers and employes thereof, for the years 1917 and 1918, the sum of twenty thousand dollars (\$20,000) less five thousand dollars (\$5,000), the short appropriation of the Twenty-first General Assembly.

Appropriation

Section 2. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for the purpose of purchasing certain necessary fixtures and the making of permanent repairs to the property of the said institution, the sum of one thousand dollars (\$1,000).

Appropriation

How expended

Section 3. All moneys appropriated by this act shall be expended under the direction of the Board of Control of the Colorado Industrial Workshop for the Blind, and the Auditor of State is hereby instructed to draw warrants therefor in favor of the said institution to the aggregate amount of twenty-one thousand dollars (\$21,000).

Emergency
clause

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 14, 1917.

CHAPTER 15.

APPROPRIATION**OUTSTANDING INDEBTEDNESS OF INDUSTRIAL
COMMISSION**

(H. B. No. 58, by Mr. Ardourel)

AN ACT

TO MAKE AN APPROPRIATION FOR THE PAYMENT OF EXPENSES INCURRED FOR SUPPLIES, EQUIPMENT, TRAVELING EXPENSES, CONSULTING PHYSICIANS' FEES AND WITNESS FEES BY THE INDUSTRIAL COMMISSION OF COLORADO DURING THE BIENNIAL PERIOD OF 1915-1916.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of two thousand, eight hundred fifty-six and forty one hundredths dollars for the purpose of paying The Thomas Multigraphing Company, \$18.05; Rocky Mountain Bank Note Company, \$51.38; Underwood Typewriting Company, \$3.50; W. H. Kistler Stationery Company, \$245.05; Remington Typewriter Company, \$59.16; George T. Herbert, \$1.50; L. C. Smith & Brothers' Typewriter Company, \$290.40; Boulder News-Herald, \$25.00; National Workmen's Compensation Service Bureau, \$78.95; Western Union Telegraph Company, \$14.05; Hine Desk & Fixture Company, \$36.78; Mountain States Telephone & Telegraph Company, \$63.80; American District Telegraph Company, \$2.25; Traveling expense, E. W. Knauss, \$1.15; Columbia Stores

Appropriation

Company, \$252.00; Colorado Compensation Rating Bureau, \$801.88; Van Gilder Agency Company, \$75.00; Wales Adder Machine Company, \$365.00; R. W. Arndt, \$8.00; W. T. H. Baker, \$10.00; H. R. Burns, \$9.00; Childs & Crosby, \$59.50; H. Cohen, \$5.00; A. Freudenthal, \$6.00; L. A. Hicks, \$3.00; J. W. Lambert, \$10.00; R. G. Mathews, \$3.00; R. G. McGraw, \$3.00; E. L. Sadler, \$3.00; D. A. Strickler, \$3.00; Bertha M. Thompson, Court Reporter, \$85.00; R. C. Whitman, \$25.00; F. C. Buchtel, \$229.00; H. R. Burns, \$10.00.

Section 2. All moneys appropriated by this Act shall be paid as provided for by Section No. 8, of an Act entitled

Manner of
disbursement

“An act to determine and define the relations between employer and employe, providing for safe and hygienic conditions and for compensation for accidental injury to or death of employees; for insurance of such compensation; establishing an industrial commission, prescribing its powers, and providing for review of its proceedings; making an appropriation to carry out the provisions of this act; providing penalties for violation of this act; repealing all acts and parts of acts in conflict with this act, and declaring this act to be necessary for the immediate preservation of public peace, health and safety.”

Safety clause

Section 3. It is hereby declared that this Act is necessary for the immediate preservation of the public peace, health and safety.

Emergency
clause

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force immediately after its passage.

Approved: April 6, 1917.

CHAPTER 16

APPROPRIATION

OUTSTANDING INDEBTEDNESS OF STATE PENITENTIARY

(H. B. No. 61, by Mr. Colgate)

AN ACT

TO PROVIDE FOR THE RELIEF OF THE STATE PENITENTIARY BY AN APPROPRIATION FOR THE PAYMENT OF OUTSTANDING BILLS FOR THE YEARS 1915 AND 1916.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of twenty-two thousand four hundred and nine dollars and eighty-seven cents (\$22,409.87) to pay outstanding bills and obligations of said penitentiary for the years 1915 and 1916; and this is hereby declared to be an appropriation of the second class for a state institution wherein the inmates are confined involuntarily; and the same shall be a continuing appropriation until paid in full.

Appropriation

Second class

Section 2. The said appropriation shall be used exclusively for the purposes aforesaid, and the Auditor of State is hereby authorized to draw warrants for the payment of the same upon vouchers certified by the President of the Colorado Board of Corrections and attested by the secretary thereof.

Warrants and
vouchers

Section 3. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: February 9, 1917.

CHAPTER 17.

APPROPRIATION
SOLDIERS' AND SAILORS' HOME

(H. B. No. 5, by Messrs. Bills and Bronaugh)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE
EXPENSE OF MAINTENANCE OF THE COLORADO
SOLDIERS' AND SAILORS' HOME; AND MAKING APPROPRIATION THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000.00) dollars for the payment of a part of the expenses of maintenance of the Soldiers' and Sailors' Home for the period commencing Dec. 1, 1916, and ending Nov. 30, 1918.

Emergency
clause

Section 2. In the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved: February 28, 1917.

CHAPTER 18.

APPROPRIATION
STATE BOARD OF AGRICULTURE

(H. B. No. 160, by Messrs. Banks, Cawfield and Somerville and
Senator Riddle)

AN ACT

**TO MAKE AN APPROPRIATION TO THE STATE BOARD OF
AGRICULTURE FOR DIFFUSING AMONG THE PEOPLE
OF THE STATE USEFUL AND PRACTICAL INFORMA-
TION ON SUBJECTS RELATING TO AGRICULTURE, THE
MECHANIC ARTS AND HOUSEHOLD ARTS, MARKETS
AND MARKETING, AND TO ENCOURAGE THE APPLI-
CATION OF THE SAME.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. For the purpose of diffusing among the **Purposes**
people of the state useful and practical information on
subjects relating to agriculture, the mechanic arts and
household arts, markets and marketing, and to encourage
the application of the same through instruction and prac-
tical demonstrations in the several communities and coun-
ties of the state, and imparting to such persons informa-
tion on said subjects through field demonstrations, publi-
cations, the use of demonstration trains in co-operation
with the railways of the state and the carrying on of
projects in co-operation with counties and communities
of the state, there is hereby permanently appropriated
out of any moneys in the hands of the State Treasurer not
otherwise appropriated, the sum of ten thousand dollars **Appropriation**
(\$10,000.00) annually, beginning with the fiscal year 1917,

and this appropriation is hereby declared to be of the first class.

The Auditor of State is hereby authorized and directed to draw warrants upon the funds hereby appropriated, upon the order of The State Board of Agriculture, signed by its President and countersigned by its Secretary.

Emergency
clause

Section 2. In the opinion of the General Assembly an emergency exists; therefore this act shall be in force and take effect from and after its passage.

Approved: April 10, 1917.

CHAPTER 19.

APPROPRIATION**STATE HOME AND TRAINING SCHOOL FOR MENTAL DEFECTIVES**

(H. B. No. 47, by Mr. Friend)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSES AND MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES OF THE STATE HOME AND TRAINING SCHOOL FOR MENTAL DEFECTIVES AT RIDGE, COLORADO, FOR THE BIENNIAL PERIOD COMMENCING DECEMBER 1, 1916, AND ENDING NOVEMBER 30, 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated, out of any moneys in the State Treasury, and not otherwise appropriated, as part payment of the expenses of the State Home and Training School for Mental Defectives at Ridge, Colorado, for maintenance, support and incidental expenses, including the salaries of officers and employes, for the period commencing December 1, 1916, and ending November 30, 1918, the sum of fifteen thousand dollars (\$15,000.00), to be used exclusively for the purpose aforesaid, and the Auditor is hereby authorized to draw his warrant upon the state treasury in payment of the moneys hereby appropriated upon certified vouchers of the Board of Commissioners and the Superintendent of the State Home and Training School for Mental Defectives at Ridge, Colorado.

Appropriation

**Emergency
clause**

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: March 1, 1917.

CHAPTER 20.

APPROPRIATION**STATE HOME AND TRAINING SCHOOL FOR MENTAL DEFECTIVES**

(H. B. No. 241, by Mr. Friend and Senator Staley)

AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF THE STATE HOME AND TRAINING SCHOOL FOR MENTAL DEFECTIVES, INCLUDING THE PAYMENT OF THE SALARIES OF OFFICERS AND EMPLOYEES THEREOF FOR THE BIENNIAL PERIOD BEGINNING DECEMBER 1, 1916, AND ENDING NOVEMBER 30, 1918, THE ERECTION AND PROPER EQUIPMENT AND FURNISHING OF FOUR COTTAGES, A HOSPITAL, A SCHOOL AND RECREATION BUILDING, A KITCHEN AND DINING ROOM, AN ADDITION TO THE BOILER HOUSE AND ADDITIONAL BOILERS, AN ADDITION TO THE LAUNDRY, THE DRILLING OF A WELL, AND CERTAIN REPAIRS TO THE PROPERTY AND IMPROVEMENTS OF THE GROUNDS OF SAID HOME, MAIN SEWER TO CLEAR CREEK, FOR UNDERGROUND TUNNEL.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the general support and maintenance of the State Home and Training School for Mental Defectives, including the salaries of the officers and employes of the institution, the sum of eighty thousand dollars

Appropriation
for maintenance

(\$80,000.00), for the biennial period commencing December 1, 1916, and ending November 30, 1918, less fifteen thousand dollars (\$15,000.00), the short appropriation of the Twenty-first General Assembly; together with the cash receipts of said institution during said period, to be used exclusively for the purpose above set forth, except that the said cash receipts may be expended for any purpose which the Board of Commissioners of said institution may direct for the welfare thereof.

Appropriation
for cottages

Section 2. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of cottages the sum of forty thousand dollars (\$40,000.00), and for furnishing and equipping cottages the sum of five thousand dollars (\$5,000.00).

Appropriation
for sewer

Section 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the excavation and construction of a sewer main from the buildings of the said institution to Clear Creek, the sum of five thousand dollars (\$5,000.00).

Appropriation
for repairs, etc.

Section 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for repairs to the property of said institution, and improvements to the grounds thereof, the sum of one thousand dollars (\$1,000.00).

Control of
funds

Section 5. That all moneys appropriated by this act shall be expended under the direction and control of the superintendent of the said State Home and Training School for Mental Defectives and of the Board of Commissioners of said State Home and Training School for Mental Defectives; and the State Auditor is hereby authorized and directed to draw his warrants for the payment of the same upon vouchers certified by the president of the said Board of Commissioners of the State Home and Training School for Mental Defectives, and attested by the secretary thereof.

Section 6. No moneys paid by the State Treasurer

out of this or any other appropriation for, or moneys belonging to, the State Home and Training School for Mental Defectives, except upon warrants of the State Auditor upon vouchers, in favor of the persons to whom the state shall have become indebted on account of said State Home and Training School for Mental Defectives certified by the president of the said Board of Commissioners of the State Home and Training School for Mental Defectives, and attested by the secretary thereof.

How expended

Section 7. No indebtedness of any kind or nature shall be made or contracted under or in connection with this appropriation either directly or indirectly until the State Auditing Board shall have certified that the money is available under this appropriation or unless the money is actually paid under it; *provided, however*, that in case any part of the money herein appropriated is available and the Auditing Board shall certify to that amount, then indebtedness may be incurred to an amount equal to that certified.

State Auditing Board to certify when money is available

Section 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency clause

Approved: April 21, 1917, save and except \$10,000.00 of the item of \$40,000.00 contained in Section 2, vetoed as to said \$10,000.

Veto

CHAPTER 21.

APPROPRIATION
STATE HOME FOR DEPENDENT AND NEGLECTED
CHILDREN

(H. B. No. 26, by Mr. Crowley)

AN ACT

**MAKING AN APPROPRIATION FOR THE PAYMENT OF A
PART OF THE EXPENSE FOR THE SUPPORT AND
MAINTENANCE OF THE STATE HOME FOR DEPENDENT
AND NEGLECTED CHILDREN FOR THE PERIOD BE-
GINNING DECEMBER 1, 1916, AND ENDING NOVEMBER
30, 1918.**

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of seventeen thousand dollars (\$17,000.00) as part payment of the expense for the general support and maintenance of the State Home for Dependent and Neglected Children for the biennial period beginning December 1, 1916, and ending November 30, 1918.

How paid out Section 2. The above sum to be paid as provided for in Section 3 of "An act in relation to the establishment of a State Home for Dependent and Neglected Children and making an appropriation therefor," approved April 10, 1895.

Emergency clause Section 3. Whereas, in the opinion of the General Assembly an emergency exists, now, therefore, this act shall take effect and be in force from and after its passage.

Approved: February 26, 1917.

CHAPTER 22.

APPROPRIATION**STATE HOME FOR DEPENDENT AND NEGLECTED
CHILDREN**

(H. B. No. 202, by Mrs. Heartz)

AN ACT

**MAKING AN APPROPRIATION FOR THE SUPPORT AND
MAINTENANCE OF THE STATE HOME FOR DEPEND-
ENT AND NEGLECTED CHILDREN FOR THE PERIOD
BEGINNING DECEMBER 1, 1916, AND ENDING NOVEM-
BER 30, 1918.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of one hundred and fifteen thousand dollars (\$115,000.) for the general support and maintenance of the State Home for Dependent and Neglected Children for the biennial period beginning December 1, 1916, and ending November 30, 1918, and for such other purposes as the Board of Control may direct.

Appropriation

Section 2. The above sum to be paid as provided for in Section 3 of "An act in relation to the establishment of a State Home for Dependent and Neglected Children and making an appropriation therefor," approved April 10, 1895.

How expended

Emergency
clause

Section 3. Whereas, in the opinion of the General Assembly, an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage.

Veto

Approved: April 21, 1917, as to \$107,000.00 of the item of \$115,000.00 and vetoed as to \$8,000.00 of said item.

CHAPTER 23.

APPROPRIATION**STATE HOME FOR DEPENDENT AND NEGLECTED
CHILDREN**

(H. B. No. 203, by Mrs. Heartz)

AN ACT

**MAKING AN APPROPRIATION FOR THE CONSTRUCTION
AND EQUIPMENT OF A SCHOOL BUILDING FOR THE
STATE HOME FOR DEPENDENT AND NEGLECTED
CHILDREN AND FOR THE PURCHASE OF A SITE FOR
SAID BUILDING.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Sixty-five Thousand Dollars (\$65,000.00) for the construction of a school building for the State Home for Dependent and Neglected Children; for the equipment of said school in technical lines and lines of household economics and for the purchase of a site for said building, and for improvement of old school building.

Appropriation

Section 2. The above sum to be paid as provided for in Section 3 of "An act in relation to the establishment of a State Home for Dependent and Neglected Children and making an appropriation therefor", approved April 10, 1895.

How expended

Emergency
clause

Section 3. Whereas, in the opinion of the General Assembly, an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage.

Veto

Approved: April 21, 1917, as to \$40,000.00 of the item of \$65,000.00 and vetoed as to \$25,000.00 of said item.

CHAPTER 24.

APPROPRIATION

STATE INDUSTRIAL SCHOOL FOR BOYS

(S. B. No. 9, by Senator Staley)

AN ACT

TO PROVIDE FOR PAYMENT OF A PART OF THE EXPENSE OF MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES OF THE STATE INDUSTRIAL SCHOOL AT GOLDEN, COLORADO, FOR THE YEARS 1917 AND 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the state Treasury not otherwise appropriated, as part payment of the expenses of the State Industrial School at Golden, Colorado, for maintenance, support and incidental expenses, including the salaries of officers and employes, for the years 1917 and 1918, commencing December 1, 1916, and ending November 30, 1918, the sum of Fifteen Thousand Dollars (\$15,000.00) **Appropriation** to be used exclusively for the purposes aforesaid, and the State Auditor is hereby authorized to draw his warrant upon the State Treasury in payment of the moneys hereby appropriated, upon certified vouchers of the board of control and the superintendent of the State Industrial School at Golden, Colorado.

Section 2. In the opinion of the General Assembly **Emergency clause** an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: February 23, 1917.

CHAPTER 25.

APPROPRIATION**STATE INDUSTRIAL SCHOOL FOR BOYS**

(H. B. No. 54, by Mr. Friend and Senator Staley)

AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE INDUSTRIAL SCHOOL, GOLDEN, COLORADO, FOR THE TWO YEARS BEGINNING DECEMBER 1, 1916, AND ENDING NOVEMBER 30, 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Appropriation

Section 1. That for the general support and maintenance of the State Industrial School at Golden, Colorado, for the period commencing December 1, 1916, and ending November 30, 1918, there is hereby appropriated the sum of one hundred and seventy thousand dollars (\$170,000.00); for the purpose of purchasing additional machinery for manual training departments and for repairing machinery, five thousand dollars (\$5,000.00); for necessary repairs to buildings the sum of ten thousand dollars (\$10,000.00).

How expended

Section 2. All moneys herein appropriated shall be spent by the authority of the board of control of the State Industrial School, Golden, Colorado, and the State Auditor, upon certified vouchers of the board of control and the superintendent of the State Industrial School at Golden, Colorado, shall draw his warrant upon the State Treasury in payment of the moneys hereby appropriated.

Section 3. In the opinion of the General Assembly **Emergency clause**
an emergency exists; therefore, this act shall take effect
and be in force immediately upon and after its passage.

Section 4. Nothing in this act shall be construed to **No expenditure in excess of appropriation**
authorize any expenditures or the contracting of any in-
debtedness in excess of the amount of the appropriations
herein made.

Approved: April 21, 1917, except the following: **Veto**
\$10,000 of the item of \$170,000 contained in Section 1 for
general support and maintenance, of which item \$10,000
is vetoed and \$160,000 approved.

Also: \$2,500 of the item of \$5,000 contained in Sec-
tion 1 for additional machinery and repairing the same,
of which item \$2,500 is vetoed, and \$2,500 is approved.

Also: \$5,000 of the item of \$10,000 contained in
Section 1 for repairs to buildings, of which item \$5,000
is vetoed and \$5,000 is approved.

CHAPTER 26.

APPROPRIATION
STATE INDUSTRIAL SCHOOL FOR GIRLS

(H. B. No. 23, by Mr. Friend)

AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS OF COLORADO, INCLUDING SALARIES OF OFFICERS AND EMPLOYES, GENERAL INCIDENTAL REPAIRS AND IMPROVEMENTS, CONSTRUCTING A HOSPITAL AND RECEPTION COTTAGE, CONSTRUCTING A PIGGERY AND CHICKEN HOUSES, FOR GENERAL REPAIRS OF BUILDINGS, AND FOR THE PURCHASE OF LAND.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the State Industrial School for Girls, for the biennial period ending November 30, 1918, the following amounts:

Appropriation First—For the support and maintenance of said school, including salaries of officers and employes, thirty thousand dollars.

Appropriation Second—For general repairs of buildings, one thousand dollars.

Emergency
clause Section 2. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: April 21, 1917, as to \$24,000.00 of the ^{Veto} item of \$30,000.00 in Section 1 of this act and vetoed as to \$6,000 of said item. Approved as to item of \$1,000.00 in Section 2 of this act.

CHAPTER 27.

APPROPRIATION
STATE INDUSTRIAL SCHOOL FOR GIRLS

(H. B. No. 41, by Mr. Friend)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE
EXPENSE FOR MAINTENANCE AND SUPPORT OF THE
STATE INDUSTRIAL SCHOOL FOR GIRLS FOR THE
BIENNIAL PERIOD ENDING NOVEMBER 30, 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, as part payment of the expenses of the State Industrial School for Girls in Jefferson County, Colorado, for maintenance and support during the biennial period ending November 30, 1918, the sum of Six Thousand Dollars to be used exclusively for the purposes aforesaid.

Appropriation

Emergency
clause

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: February 9, 1917.

CHAPTER 28

APPROPRIATION
STATE PENITENTIARY

(H. B. No. 34, by Mr. Colgate)

AN ACT

TO PROVIDE FOR THE PAYMENT OF PART OF THE EXPENSE OF THE MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSE OF THE STATE PENITENTIARY FOR THE YEARS 1917 AND 1918, TO PROVIDE FOR A PORTION OF THE SALARY AND EXPENSE OF THE STATE PAROLE OFFICER FOR THE SAME PERIOD, TO PROVIDE FOR THE DEFICIT CREATED IN THE PERIOD 1915 AND 1916, CAUSED BY INSUFFICIENT APPROPRIATION.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, as payment of the expense of the State Penitentiary for the maintenance, support and incidental expense, including the salaries of officers and employes, for the years 1917 and 1918, commencing December 1, 1916, and ending November 30, 1918, the sum of thirty-five thousand dollars (\$35,000.00) to be used for the purposes aforesaid.

Appropriation

Section 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of one thousand dollars (\$1,000.00) as part payment of the salary and expense of the state parole officer for the period above mentioned.

Appropriation

**Warrants and
vouchers**

Section 3. The Auditor of State is hereby authorized to draw warrants for the payment of the vouchers certified by the President of the Colorado Board of Corrections and attested by the secretary thereof.

Emergency

Section 4. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: February 21, 1917.

CHAPTER 29.

APPROPRIATION
STATE PENITENTIARY

(H. B. No. 260, by Mr. Colgate)

AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE PENITENTIARY, IMPROVEMENT AND WATER FOR THE AVONDALE FARM, THE SALARY AND EXPENSES OF THE STATE PAROLE OFFICER, AND INSTALLING LIGHTING POLES AND FIXTURES.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Treasury, not otherwise appropriated, to the penitentiary, for the years 1917 and 1918, commencing December 1st, 1916, and ending November 30th, 1918, for the support and maintenance of said penitentiary, the sum of two hundred and twenty-five thousand dollars (\$225,000.00), together with the earnings of said penitentiary during the said period, or so much thereof as shall be necessary to pay for the support, maintenance and improvement, less the sum of thirty-five thousand dollars (\$35,000.00) for part maintenance, appropriated in the short appropriation bill of the Twenty-first General Assembly.

**Appropriation
for maintenance**

Section 2. There is hereby appropriated out of any moneys in the hands of the State Treasurer not otherwise appropriated, for salary and expenses of State Parole

**Appropriation
for parole
officer**

Officer, the sum of six thousand dollars (\$6,000.00), less the sum of one thousand dollars (\$1,000.00) appropriated in the short appropriation bill of the Twenty-first General Assembly.

Appropriation
for improve-
ments and
repairs

Section 3. There is hereby appropriated out of any moneys in the hands of the State Treasurer not otherwise appropriated, for general improvement and repairs at the State Penitentiary, the sum of Seven thousand five hundred dollars (\$7,500.00).

Appropriation
for farm
buildings, etc.

Section 4. There is hereby appropriated out of any moneys in the hands of the State Treasurer, not otherwise appropriated, for the building of suitable buildings, stables, corrals, and fences, and for general farm equipment, the sum of two thousand dollars (\$2,000.00).

Appropriation
for lighting
equipment

Section 5. That there is hereby appropriated out of any moneys in the hands of the State Treasurer, not otherwise appropriated, for the purpose of installing lighting poles and fixtures in front of the penitentiary grounds to conform with the regular street lighting, three thousand dollars (\$3,000.00).

Appropriation
for auto trucks

Section 6. There is hereby appropriated out of any moneys in the hands of the State Treasurer, not otherwise appropriated, for the purchase of automobile trucks, the sum of two thousand five hundred dollars (\$2,500.00).

How expended

Section 7. The said appropriation shall be used exclusively for the purposes aforesaid, and the Warden of the Penitentiary is hereby required to open and keep an account with each item of the appropriation and the Auditor of State is hereby authorized to draw warrants for the payment of same upon vouchers certified by the President of the Colorado Board of Corrections and attested by the Secretary thereof. Nothing in this Act shall be construed to authorize any expenditure or the contracting of any indebtedness in excess of the amount of the appropriation and income herein provided for.

Section 8. No indebtedness of any kind or nature shall be made or contracted under or in connection with this appropriation either directly or indirectly, until the State Auditing Board shall have certified that the money is available under this appropriation, or unless the money is actually paid under it; *provided, however*, that in case any part of the money herein appropriated is available and the Auditing Board shall certify to that amount, then the indebtedness may be incurred to an amount equal to that certified.

State Auditing Board to certify when money is available

Section 9. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency clause

Approved: April 21, 1917, except the following: Veto

\$5,000 of the item of \$7,500 contained in Section 3, for general improvement and repairs, of which item \$5,000 is vetoed, and \$2,500 is approved.

Also: The item of \$3,000 contained in Section 5, all of which is vetoed.

CHAPTER 30.

APPROPRIATION
STATE REFORMATORY

(H. B. No. 2, by Mr. Wright)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSES OF MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES OF THE COLORADO STATE REFORMATORY FOR THE YEARS 1916 AND 1917.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, as part payment of the expenses of the State Reformatory for maintenance, support and incidental expenses, including the salaries of officers and employes, for the years 1916 and 1917, commencing December 1st, 1916, the sum of sixteen thousand dollars (\$16,000.00), to be used exclusively for the purpose aforesaid, and the Auditor of State is hereby authorized to draw warrants for the payment of vouchers certified by the President of the Colorado Board of Corrections and attested by the Secretary thereof; *provided*, That nothing in this act be construed to authorize an expenditure or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Appropriation

Emergency
clause

Section 2. In the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved: February 21, 1917.

CHAPTER 31.

APPROPRIATION
STATE REFORMATORY

(H. B. No. 25, by Mr. Wright)

AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE REFORMATORY, AND FOR SALARY OF A STATE PAROLE OFFICER, FOR THE TWO YEARS ENDING NOVEMBER 30, 1918.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Treasury, not otherwise appropriated, to the Reformatory, for the years 1917 and 1918, commencing December 1, 1916, and ending November 30, 1918, for the support and maintenance of said Reformatory, the sum of one hundred thousand dollars (\$100,000.00), together with the earnings of said Reformatory, during the said period, or so much thereof as shall be necessary to pay for such support, maintenance and improvements, less the sum of sixteen thousand dollars (\$16,000.00) for part maintenance, support and incidental expenses, appropriated in the short appropriation of the Twenty-first General Assembly by House Bill No. 2, for the period ending November 30, 1918.

Appropriation
for maintenance

Section 2. That there is hereby appropriated, out of moneys in the State Treasury not otherwise appropriated, for salary and expenses of a State Parole Officer, the sum of five thousand dollars (\$5,000.00).

Appropriation
for parole
officer

Section 3. That there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for general improvements, repairs and betterments at the Reformatory the sum of five thousand dollars (\$5,000.00).

Appropriation
for tools, etc.

Section 4. That there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for tools and implements of the Reformatory the sum of one thousand five hundred dollars (\$1,500.00).

Appropriation
for machine
shop

Section 5. That there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for equipment for a machine shop at the Reformatory the sum of two thousand dollars (\$2,000.00).

Appropriation
for machinery

Section 6. That there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for equipment and machinery for a shoe shop at the Reformatory the sum of one thousand dollars (\$1,000.00).

How expended

Section 7. The said appropriation shall be used exclusively for the purposes aforesaid, and the warden of the Reformatory is hereby required to open and keep an account with each item of the appropriation, and the Auditor of State is hereby authorized to draw warrants for the payments of same upon vouchers certified by the President of the Colorado Board of Corrections and attested by the Secretary thereof. Nothing in this act shall be construed to authorize any expenditure or the contracting of any indebtedness in excess of the amount of the appropriation and income herein provided for.

State Auditing
Board to certify
when money
is available

Section 8. No indebtedness of any kind or nature shall be made or contracted under or in connection with this appropriation either directly or indirectly until the State Auditing Board shall have certified that the money is available under this appropriation or unless the money is actually paid under it.

Provided, however, that in case any part of the money herein appropriated is available and the Auditing Board shall certify to that amount, then indebtedness may be incurred to an amount equal to that certified.

Section 9. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage. Emergency clause

Approved: April 21, 1917, except the following: Veto

The item of \$5,000 contained in Section 2, all of which is vetoed.

Also: \$2,000 of the item of \$5,000 contained in Section 3, for general improvements, repairs and betterments, of which item \$2,000 is approved and \$3,000 is vetoed.

Also: \$1,000 of the item of \$2,000 contained in Section 5, for the equipment of a machine shop, of which item \$1,000 is vetoed, and \$1,000 approved.

Also: \$500 of the item of \$1,000 contained in Section 6, for equipment and machinery, of which item \$500 is vetoed, and \$500 is approved.

CHAPTER 32.

**APPROPRIATION
TO EXTEND CAPITOL GROUNDS**

(S. B. No. 400, by Senator Napier)

AN ACT**MAKING AN APPROPRIATION FROM THE CAPITOL BUILDING FUND FOR THE PURCHASE OF ADDITIONAL LANDS.***Be It Enacted by the General Assembly of the State of Colorado:*

Board authorized to secure additional ground

Section 1. The Board of Capitol Managers is hereby authorized and directed to select and procure, by purchase or condemnation for the State of Colorado, lands adjacent to the Capitol grounds, for the purpose of extending and improving the Capitol grounds, and to provide a location for such building or buildings as may be found necessary to provide additional room for departments of the state government.

Board to control same

Section 2. Said grounds shall be and remain under the control of the Board of Capitol Managers in the same manner that said Board now manages and controls the Capitol and Colorado State Museum buildings and grounds.

Appropriation

Section 3. There is hereby appropriated out of the Capitol Building Fund the sum of one hundred and twenty thousand dollars, or so much thereof as may be necessary to carry out the provisions of sections one and two of this act.

Section 4. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness in payment of all expenditures made by the Board of Capitol Managers under authority of this act, upon presentation of vouchers certified by said Board; said certificates of indebtedness shall be payable out of moneys hereby appropriated from the Capitol Building Fund, and shall bear interest at four per cent per annum from date of presentation until paid; but in no event shall the total amount of said certificates exceed the amount hereby appropriated. The faith and credit of the State is hereby pledged for the payment of principal and interest of said certificates of indebtedness.

Auditor to issue
certificates of
indebtedness

Section 5. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Section 6. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: April 6, 1917.

CHAPTER 33.

APPROPRIATION
WATER DEFENSE FUND

(H. B. No. 232, by Mr. Best, Senators Mitten, Coltman and Coldren)

AN ACT

TO ENABLE THE STATE OF COLORADO TO PROTECT THE WATER OF ITS NATURAL STREAMS AND TO MAINTAIN THE RIGHT OF APPROPRIATION AND USE OF SUCH WATER FOR BENEFICIAL PURPOSES WITHIN THIS STATE AND MAKING AN APPROPRIATION THEREFOR OF THE FIRST CLASS.

Be It Enacted by the General Assembly of the State of Colorado:

Purpose

Section 1. For the purpose of paying the expenses of the executive department of the State of Colorado in making necessary investigations and in defending and protecting certain rights, suits and actions, or any of them and to meet the expenses of any suit which may be brought and prosecuted by any other state or by the citizens of any other state against the State of Colorado or its citizens, and to meet the expenses incident to the prosecution of any suit that may be instituted by the State of Colorado for the protection of the right to use the water of the natural streams of Colorado for domestic, irrigation or power purposes whenever threatened, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary for the purposes herein provided.

Appropriation

Section 2. This appropriation shall be of the first class, and may be used either within or without the state. It shall be under the control and direction of the Governor and Attorney General of this state, and upon vouchers approved by him, warrants shall be drawn by the Auditor of the State in the ordinary manner.

Control vested
in Governor
and Attorney
General

Section 3. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public health, peace and safety.

Safety clause

Section 4. In the opinion of the General Assembly an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: April 21, 1917, as to \$37,500.00 of the item of \$50,000.00 and vetoed as to \$12,500 of said item.

Veto

CHAPTER 34.

ASSESSMENTS FOR LOCAL IMPROVEMENTS
MILL LEVY TO PAY SAME

(H. B. No. 82, by Mr. Meyer and Senators Knauss, Dodge, Eaton, Hamilton, Starkweather, Hattenbach and Dunklee)

AN ACT

**MAKING A LEVY FOR THE PAYMENT OF CERTAIN SPECIAL
ASSESSMENTS FOR LOCAL IMPROVEMENTS IN THE
CITY AND COUNTY OF DENVER.**

Be It Enacted by the General Assembly of the State of Colorado:

Purpose

Section 1. To provide for the payment of special assessments for local improvements on properties of the State of Colorado in the City and County of Denver, there shall be levied and appropriated five hundredths of one mill in the year 1917 and one and one-half hundredths of one mill in the year 1918 and annually thereafter, on each and every dollar of assessed valuation of taxable property both real and personal in this State; to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of State taxes.

Mill levy

Auditor to
issue
warrants

Section 2. The Auditor of State is hereby authorized and directed to draw warrants in payment of all installments due and to become due as the same become due and payable on special assessments for local improvements on property of the State of Colorado in the City and County of Denver, upon vouchers properly certified by the Manager of Revenue of said City and County; *Provided, how-*

ever, the amount of said warrants shall not exceed in any one year the estimated revenue to be derived from the levy provided in Section 1 hereof.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. ^{Emergency clause}

Approved: April 6, 1917.

CHAPTER 35.

ATTACHMENTS
METHOD OF EXECUTION

(S. B. No. 22, by Senators Hattenbach and Dunklee)

AN ACT

TO AMEND THE ATTACHMENT LAWS IN THE JUSTICE COURTS OF THE STATE OF COLORADO, AS PRESCRIBED BY SECTIONS 3778 AND 3779 OF THE REVISED STATUTES OF 1908, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 3778 and 3779 of the Revised Statutes of Colorado be, and the same are hereby amended to read as follows:

Section 3778. The constable to whom the writ is delivered shall execute the same without delay, and if the deposit be not made or the undertaking given, as herein provided, then as follows:

Debts, credits,
etc., how
attached

Personal property, capable of manual delivery or seizure, may be attached by taking the same into the custody of the constable or by garnishment, as herein provided. Debts, credits and other things in action belonging to defendant or defendants, incapable of manual seizure, or personal property, capable of manual delivery and seizure, which is in the care, custody or control of any person other than the defendant or defendants may be attached by leaving with said person owing said debt, credit or other thing in action, or such person hav-

ing in his care, custody or control said property, a copy of the said writ of attachment, together with a garnishee summons in words and figures, as provided for a garnishee summons issued on an execution in the Justice Court, and the practice thereafter shall conform, as near as may be, to the practice provided in case of a garnishee summons issued on an execution in the Justice Court of this State. Corporations and co-partnerships are included and referred to herein and this act shall be construed to apply to them and to all persons whatsoever now liable to garnishment, under execution from the Justice Court in this State.

Notice of
garnishee

Section 3779, R. S. '08. Any person so served with garnishee summons, as provided in the preceding section, may deliver all moneys due the defendant, or personal property or choses in action belonging to the defendant in his possession or under his control, to the constable holding the attachment writ, whose receipt therefor shall be sufficient evidence of such delivery. If such delivery be not made, the person so garnished shall be liable to the plaintiff for the amount of all debts, property or things in action for which he would otherwise be liable to the defendant until the attachment is dissolved or the judgment recovered in the action is fully satisfied. All acts or parts of acts in conflict therewith are hereby repealed.

Garnishment

Liability

Repealing
clause

Approved: April 6, 1917.

CHAPTER 36.

BOARD OF CAPITOL MANAGERS
CONTINUED IN OFFICE—MEMBERSHIP—DUTIES

(H. B. No. 383, by Mr. Wright)

AN ACT

TO CONTINUE THE BOARD OF CAPITOL MANAGERS AND
TO DEFINE THE POWERS AND DUTIES OF SAID BOARD
AND TO REPEAL CERTAIN ACTS AND PARTS OF ACTS
IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Continued
in office

Terms

Section 1. The Board of Capitol Managers is hereby authorized, empowered and directed to continue with the management and control of the Capitol building and the Colorado State Museum building and the grounds belonging thereto and any other property the state may acquire adjacent to such grounds or used in connection therewith. The term of office of the members of said board shall be for a period of eight years, one member to retire on the 30th day of November of every other year, beginning on the 30th day of November A. D. 1918; *Provided*, that the term of office of the present members of the board shall be determined by the previous length of service of the various members. The member having served for the shortest period of time to retire on the 30th day of November, A. D. 1918. The member having served for the second shortest period of time to retire on the 30th day of November, A. D. 1920. The member having served for the third shortest period of time to

retire on the 30th day of November, A. D. 1922, and the member having served the longest period of time to retire on November 30, A. D. 1924. Any vacancy occurring from any cause, in the membership of the board, shall be filled by appointment by the Governor of the state, and if the appointment be made to fill an unexpired term the appointee shall hold office only for the remainder of the term of the former member whose unexpired term he is appointed to fill; *Provided*, that in case the Governor fails to make such appointment within thirty days from the date the vacancy occurs, the board may fill such vacancy in its membership. Any member of the board may retire by presenting to the Governor of the state his written resignation, provided such resignation be accepted by the Governor.

Vacancies
how filled

Section 2. The Board of Capitol Managers shall have full control of the Capitol and Colorado State Museum buildings and grounds and any other property the state may acquire adjacent thereto, together with all furniture, fixtures, furnishings and equipment and all exhibits contained or hereafter to be placed in and about said buildings.

Jurisdiction

Approved: March 30, 1917.

CHAPTER 37.

BOARDS OF EDUCATION
POWERS IN FIRST CLASS DISTRICTS

(S. B. No. 245, by Senators Dunklee and Peterson)

AN ACT**ENLARGING THE POWERS OF BOARDS OF EDUCATION IN
ALL SCHOOL DISTRICTS OF THE FIRST CLASS IN THE
SEVERAL COUNTIES OF THE STATE.***Be It Enacted by the General Assembly of the State of Colorado:*

Additional
powers con-
ferred on school
boards

Section 1. That all School Boards in districts of the first class, in addition to the powers now conferred upon them by law, shall have power to establish and maintain out of the school funds of the district continuation schools, part time schools, evening schools, vocational schools, schools for aliens, or other opportunity schools. All such schools shall be open to all persons regardless of age, whom the superintendent and principal of such school shall judge to be morally desirable and mentally able to profit by the instruction given in such school.

Powers in first
class districts

In like manner, Boards of Education in districts of the first class may at their discretion establish and maintain open air schools, play-grounds and museums. They may provide instruction in and employ special teachers for such special subjects as music, drawing, manual training, household economics, including the care of children, vocational and industrial subjects, and subjects for the training of such special teachers. They may prescribe the

qualifications of, conduct examinations for, and issue certificates to such teachers; *Provided*, such certificates shall be valid only in the district where issued.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing
clause

Section 3. Whereas, in the opinion of this General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after the date of its passage. Emergency
clause

Approved: April 10, 1917.

CHAPTER 38.

BOUNDARY LINE
OURAY AND SAN MIGUEL COUNTIES

(H. B. No. 363, by Messrs. DuPraw and Cross)

AN ACT

DIRECTING THE STATE ENGINEER, THROUGH THE COUNTY SURVEYORS OF OURAY AND SAN MIGUEL COUNTIES, TO DESIGNATE CERTAIN PORTIONS OF BOUNDARY LINE OF THE COUNTY OF OURAY AND CERTAIN PORTIONS OF BOUNDARY LINE OF THE COUNTY OF SAN MIGUEL.

Be It Enacted by the General Assembly of the State of Colorado:

State Engineer
to designate

Section 1. That the State Engineer, through the county surveyors of Ouray and San Miguel Counties, within six months after this act becomes effective, shall designate the county line between the Counties of Ouray and San Miguel, beginning at a point which is the south-east corner of Montrose County, same being identical with the one-quarter corner between Sections 14 and 15, T. 45 N., R. 10 W., N. M. P. M.

Boundaries

Thence west one mile to the $\frac{1}{4}$ corner of Sections 15 and 16;

Thence south one-half mile to corner of Sections 15, 16, 21 and 22;

Thence east three-quarters of a mile to the northwest corner of the northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 22;

Thence south two miles to the southwest corner of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$, Section 27;

Thence east one-quarter mile to the corner of Sections 26, 27, 34 and 35;

All in Township 45 N., Range 10 West, N. M. P. M.

Thence east three miles to the corner of Sections 29, 30, 31 and 32, T. 45 N., R. 9 W., N. M. P. M.

Thence south one mile to the southwest corner of Section 32 on the 11th correction line;

All in Township 45 N., Range 9 West, N. M. P. M.

Thence along the 11th correction line to the northeast corner of Section 6, T. 44 N., R. 9 W., N. M. P. M.

Thence west along the north line of Section 6 to the northwest corner of lot 1 of said section.

Thence south to the southwest corner of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$, Section 6;

Thence west one-quarter mile to the southwest corner of the S. E. $\frac{1}{4}$ of Section 6.

Thence south two miles to the southwest corner of the S. E. $\frac{1}{4}$ Section 10;

All in Township 44 N. of Range 9 West.

Thence east or west to the watershed hereinbefore established as the boundary line between Ouray and San Miguel Counties.

Approved: April 17, 1917.

CHAPTER 39.

CANNABIS SATIVA
CULTIVATION AND UNLAWFUL USE OF

(H. B. No. 263, by Mr. Lucero)

AN ACT

**TO DECLARE UNLAWFUL THE PLANTING, CULTIVATING,
HARVESTING, DRYING, CURING, OR PREPARATION FOR
SALE OR GIFT OF CANNABIS SATIVA, AND TO PROVIDE
A PENALTY THEREFOR.**

Be It Enacted by the General Assembly of the State of Colorado:

Cultivation
and use
unlawful

Section 1. Any person who shall grow or use cannabis sativa (also known as cannabis indica, Indian hemp and mariguana) that he has grown shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment in the discretion of the court.

Approved: March 30, 1917.

CHAPTER 40.

**CAPITOL AND COLORADO STATE MUSEUM
ADDITIONAL MILL LEVY FOR MAINTENANCE**

(H. B. No. 424, by Messrs. Rogers, Wright and Rockwell)

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED "AN ACT CONCERNING THE LEVY OF A TAX OF ONE-HALF OF ONE MILL FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING THE STATE CAPITOL BUILDING, AND REPEALING SECTION 471 OF THE REVISED STATUTES OF COLORADO, 1908," APPROVED APRIL 10, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section one of an act entitled "An act concerning the levy of a tax of one-half of one mill for the purpose of constructing and furnishing the State Capitol Building, and repealing Section 471 of the Revised Statutes of Colorado, 1908," approved April 10, 1915, be and the same is hereby amended to read as follows:

"Section 1. For the purpose of maintaining, supporting, improving, furnishing and refurnishing the Capitol and Colorado Museum Buildings and grounds, for the purchase of additional ground and the construction of additional buildings, and for maintaining, supporting, improving, furnishing and refurnishing the same, there shall be levied and assessed upon all taxable property within this state, both real and personal, in each of the years 1917 to 1922, inclusive, a tax of fourteen-

Mill levy

hundredths of one mill, and annually thereafter a tax of one-tenth of one mill, on each and every dollar of assessed valuation; said tax to be assessed and collected in the same manner and at the same time as is now or may hereafter be provided by the law for the assessment and collection of other revenues and when collected to be paid to the credit of the Capitol Building Fund to be disposed of as the General Assembly may direct."

Safety clause

Section 2. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health and safety.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: March 30, 1917.

CHAPTER 41.

CAPITOL BUILDING FUND
TRANSFER OF SURPLUS

(S. B. No. 364, by Senator West)

AN ACT

TO PROVIDE FOR THE REPAYMENT OF MONEYS BORROWED FROM THE INTERNAL IMPROVEMENT PERMANENT FUND.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Whenever there is a surplus to the credit of the Capitol Building Fund in excess of the amount necessary to pay the appropriations from said Fund in any biennial period, the Auditor of State shall, upon presentation of a voucher or vouchers approved by the Board of Capitol Managers, transfer from the Capitol Building Fund to the Internal Improvement Permanent Fund the amount of such voucher or vouchers not exceeding such surplus. *Provided, however,* the total amount of all such transfers shall not exceed the amount due from the Capitol Building Fund to the Internal Improvement Permanent Fund under the terms of an act entitled "An act for the transfer and loan of One Hundred and Fifty Thousand Dollars from the Internal Improvement Permanent Fund to the Capitol Building Fund," approved April 6, 1891.

Transfer of
surplus
funds

Section 2. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: March 6, 1917.

CHAPTER 42.

CAUSES OF ACTION
TIME LIMITATION

(H. B. No. 43, by Mr. Crowley)

AN ACT**PRESCRIBING LIMITATIONS UPON ACTIONS BASED ON
CAUSES OF ACTION ARISING OUTSIDE OF THIS STATE.***Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. When a cause of action has heretofore arisen or hereafter arises in another state or territory or in a foreign country, and by the laws thereof an action thereon cannot there be maintained against a person by reason of the lapse of time, an action thereon shall not be maintained against him in this state, except in favor of one who has been a citizen of this state and who has held the cause of action from the time it accrued.

Limitation of
causes of action
arising outside
of state

Approved: March 16, 1917.

CHAPTER 43.

CHATTEL MORTGAGES
LIMITATIONS—ACKNOWLEDGMENT—RESTRICTIONS

(S. B. No. 38, by Senator Knauss)

AN ACT

CONCERNING CHATTEL MORTGAGES.

Be It Enacted by the General Assembly of the State of Colorado:

Mortgages—
when valid

Section 1. Except as hereinafter provided, no mortgage of personal property shall be valid against the rights and interests of any third person or persons unless possession of such property be delivered to and remain with the mortgagee, or the mortgage be acknowledged and certified, and filed or recorded as provided in this act.

Acknowledg-
ment

Section 2. The mortgagor of any such mortgage shall acknowledge the execution of the same before some officer authorized to take and certify acknowledgments of deeds to real estate in this state, who shall certify the same substantially as follows:

Affidavits

“This mortgage was acknowledged before me thisday of....., 19...., by....., mortgagor.” If the mortgagor is a co-partnership, the officer shall certify substantially as follows:

“This mortgage was acknowledged before me thisday of....., 19...., by....., for (naming co-partnership), mortgagor.” If the mortgagor is a corporation, the officer shall certify substantially as follows:

*Cobb vs. International State Bank
186 Pac 529.*

"This mortgage was acknowledged before me thisday of....., 19...., by....., (President or other head officer) for (naming corporation), mortgagor."

Section 3. Every chattel mortgage shall be good and valid between the parties thereto until the indebtedness secured thereby is paid, or barred by the statute of limitations.

Valid until
debt paid

Section 4. Any person who buys or otherwise obtains an interest in any personal property covered by a mortgage, which is valid and effective between the parties thereto, with actual notice of such mortgage, shall be considered to have bought or obtained such interest subject to the mortgage, the same as if the mortgage had been executed and filed or recorded pursuant to the provisions of this Act.

Purchase of
mortgaged
property

Section 5. No mortgage or deed of trust heretofore or hereafter executed by a corporation organized under the laws of the State of Colorado or authorized to do business therein, mortgaging or conveying in trust real property situate in this state and including any personal property of such corporation, shall be deemed to be a chattel mortgage, nor shall it be subject to any provisions of this act; but nothing in this section contained shall be construed as impairing the lien of any such mortgage or deed of trust upon the personal property included therein.

When term
"chattel mort-
gage" does
not apply

Section 6. No sale or mortgage of household goods used by the family shall be valid unless the transaction is evidenced by an instrument in writing executed by husband and wife jointly, but the provisions of this section shall not apply in case husband and wife are not residing together.

Sale of goods
acknowledged
by husband and
wife

Section 7. Any chattel mortgage, acknowledged and certified as provided in Section two (2) of this act, may be filed in the office of the clerk and recorder of the county

Filing and
recording

in which the mortgaged property is situated, or, at the option of the mortgagee, may be recorded at length in public records of said county and thereupon, whether filed or recorded, if bona fide, shall be good and valid from the time of such filing or recording until the maturity of the last installment of the mortgage indebtedness, notwithstanding the mortgaged property remains in the possession of the mortgagor pursuant to provision therefor in the mortgage, but not exceeding two years if the principal of the mortgage debt does not exceed \$2,500; and not exceeding five years if the principal of the mortgage debt is more than \$2,500, and not more than \$20,000; and not exceeding ten years if the principal of the mortgage debt exceed \$20,000; *provided*, that, if such mortgage is made to secure a sum in excess of \$2,500, there shall be filed annually, beginning with the third anniversary of the filing or recording of such mortgage, in the office of said clerk and recorder, a sworn statement of the mortgagee, or one of the mortgagees if there be more than one, or by the assignee of such mortgage, showing:

Term limit

Mortgagee to
file annual
statement

Contents of
same

First: That said mortgage was given in good faith to secure the payment of the sum of money mentioned therein;

Second: That said sum of money is still unpaid; or if a part has been paid, how much thereof remains unpaid.

Effect of filing

A mortgage executed and filed in conformity with the provisions of this act shall have the same force and effect as if recorded at length in the public records of the county.

Live stock

Section 8. Every mortgage of live stock may cover and bind the increase of such live stock, or any part thereof, thereafter to be born, as may be provided therein.

Property in
two or more
counties

Section 9. If the mortgaged property is situated in two or more counties, the original, a duplicate original

or a certified copy of such mortgage shall be filed or recorded in each county.

Section 10. The mortgagee of any chattel mortgage, his agent or attorney, shall be allowed thirty days after the maturity of the debt secured by said mortgage, or thirty days after the day to which the payment of said debt is extended in conformity with the provisions of this act, within which to take possession of the mortgaged property, and such mortgage shall during such period of time be good and valid the same as if possession had been taken at maturity; and during said period of thirty days or until possession is taken by the mortgagee, his agent or attorney, the mortgagor shall have the right to pay the debt and upon payment the mortgage shall be discharged the same as if the debt had been paid at maturity.

Mortgagee need not take possession for thirty days

Section 11. The lien of any chattel mortgage filed or recorded, as provided by this act, may, at any time within thirty days after the maturity of the last installment of the indebtedness secured thereby, be extended for the unpaid portion of such debt by the mortgagee or his assignee filing with the clerk and recorder of the county wherein the mortgage is filed or recorded, a sworn statement, showing:

Extension

Sworn statement

First: The total payments made on the debt and the amount remaining unpaid.

Contents of same

Second: That the debt, or the part thereof stated, is still due the mortgagee or his assignee, as the case may be, and that said mortgagee or assignee consents to extend the time of payment of said debt for some definite period of time, stating it, not exceeding two years.

Thereupon the lien of the mortgage shall be extended for the period of time designated. At any time within thirty days after the expiration of said extended period of time the lien of said mortgage may be again extended for another period not exceeding two years, with like

Further extensions

effect, by filing a sworn statement as provided above, and other extensions may be made from time to time in the same manner and with like effect, until the debt secured by the mortgage is paid or barred by the statute of limitations.

Clerk and Recorder to keep index records

Section 12. The clerk and recorder of each and every county in this State shall procure and keep separate index books, alphabetically and scientifically arranged, in which shall be entered in proper order all mortgages, extensions of mortgages and sworn statements executed and filed or recorded pursuant to the provisions of this act. Whenever the clerk and recorder shall receive for filing in his office any sworn statement made pursuant to the provisions of Sections 7 or 11 of this act, he shall note a memorandum in red ink on the original index entry of the mortgage to which the statement relates, showing the date of filing such statement, and shall also make a new index entry for such statement in the general index for chattel mortgages. A copy of any such mortgage, extension or statement, duly certified by the clerk and recorder, may be used in foreclosure proceedings, or otherwise, in all respects the same as the original instrument, and if it shall appear from the affidavit of any credible witness that the original is lost or that it is not within the power of the person wishing to use the same to produce it, such certified copy may be read in evidence in any court of this state without further proof of the execution of the original.

Certified copies

Releases

Any mortgage executed pursuant to the provisions of this act may be released by an appropriate notation on the margin of the mortgage or on the margin of the record thereof, or by a separate instrument suitably executed.

Fees of Clerk and Recorder

Section 13. The County Clerk and Recorder shall be entitled to the following fees:

For recording and indexing any mortgage, or mak-

ing a certified copy of any mortgage or sworn statement, the same fees allowed by law for recording or making copies of deeds of real estate.

For filing and indexing any chattel mortgage, or any release of chattel mortgage, twenty-five cents.

For filing and indexing any sworn statement made pursuant to the provisions of Sections 7 or 11 of this act, twenty-five cents.

For attesting a marginal release, twenty-five cents.

Section 14. Any person having conveyed any article of personal property to another by mortgage, who shall during the existence of the lien or title created by such mortgage, sell the personal property to a third person for a valuable consideration, without informing him of the existence and effect of such mortgage, shall forfeit and pay to the purchaser twice the value of such property so sold, which forfeiture may be recovered in an action of debt in any court having jurisdiction thereof.

Penalty for
selling mort-
gaged property

Section 15. If any mortgagor of personal property which has been mortgaged in pursuance of this act, during the existence of such mortgage, shall sell, transfer, or in any way encumber such mortgaged property, or any part thereof, or cause the same to be sold, transferred or encumbered, such sale, transfer or encumbrance shall be deemed a larceny of such mortgaged property so sold, transferred or encumbered, and the mortgagor shall be deemed guilty of such larceny, the same, to all intents and purposes, as though there had been a felonious taking and conversion of such property by such mortgagor, and on conviction thereof shall be punished accordingly; unless at the time of making such sale, transfer or encumbrance such mortgagor shall fully advise and acquaint the person to whom such sale, transfer or encumbrance may be made, with the fact of the prior encumbrance and mortgage, and also first fully apprise the mortgagees of the intended sale, giving to such mortgagees the name

Such sale to
constitute
larceny

Exceptions
when proper
notice is given

and place of residence of the party to whom the sale, transfer or encumbrance is to be made.

Punishment
for violation

Section 16. If the mortgagor of any chattels, or other person, during the existence of the lien or title created by such mortgage, shall transfer, conceal, take, drive, carry away, or otherwise dispose of any of the mortgaged property, contrary to the provisions of the mortgage, and without written consent of all mortgagees, he shall be deemed guilty of the larceny of such property, and upon conviction be punished accordingly.

What convey-
ances have
effect on chat-
tel mortgage

Section 17. Except as provided in Section 5, above, the provisions of this act shall extend to all bills of sale, deeds of trust and other conveyances of personal property intended by the parties to have the effect of a mortgage or lien upon such property.

Acts repealed

Section 18. Sections 512 to 525, inclusive of the Revised Statutes of Colorado 1908, an act entitled "An Act to amend Sections 2, 7 and 9 of Chapter XXIII of the Revised Statutes of Colorado 1908 relating to Chattel Mortgages," approved April 1st, 1915, being Chapter 50 of the Laws of 1915, and all acts and parts of acts in conflict herewith, are hereby repealed; but nothing in this act contained shall modify or impair the effect or validity of any chattel mortgage, or the lien thereof, filed or recorded, pursuant to law, prior to the time when this act becomes effective.

Approved: April 6, 1917.

Cobb - vs - International State Bank
184 Pac 529.

CHAPTER 44.

CITY OF CENTRAL
AMENDMENT TO CHARTER

(H. B. No. 228, by Mr. Jenkins)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF CENTRAL," APPROVED MARCH 11, A. D. 1864, TO PROVIDE FOR THE LEVY, ASSESSMENT AND COLLECTION OF TAXES IN THE SAID CITY UNDER THE LAWS OF THE STATE OF COLORADO, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That an act entitled "An act to incorporate the City of Central," approved March 11, A. D. 1864, be, and the same is hereby amended as follows: Act amended

That from and after the passage of this act, the city council of the City of Central shall have power and authority to levy taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within the limits of the said city, as are subject to taxation for state or county purposes, in accordance with the laws of this state. Power to levy taxes

Section 2. It shall be the duty of the county assessor of Gilpin County each year, in making his return, to designate the property situate within the limits of the City of Central. Duty of Assessor

Section 3. The city council shall have the authority to appoint a committee from its members to appear before City council to appoint committee

the county commissioners, sitting as a board of equalization, and recommend to said board such amendments and additions to, or changes in, the assessment made by the county assessor, of the property, or any portion thereof, within the limits of said City, as such committee may deem just.

**Extension of
tax list**

Section 4. It shall be the duty of the county assessor of the County of Gilpin, as soon as the assessment roll is ready in each year, for the extension of the taxes, to extend the same upon the tax list of the current year, in a separate column, properly headed, in the same manner as other taxes are extended, carrying said city tax into the general total of all taxes for the year, and shall include said city taxes in his general warrant to the county treasurer for collection.

**Delinquent
taxes**

Section 5. The City of Central may, in addition to the means provided, if by ordinance it so elects, cause any or all delinquent charges, assessments or taxes made or levied under and by virtue of, and for the purpose specified in this act, or referred to therein, to be certified to the county treasurer of the county, and collected and paid over by the treasurer of the county in the same manner as taxes are authorized to be by this act.

**Duty of
Treasurer**

Section 6. It shall be the duty of said treasurer of said Gilpin County, and he is hereby authorized and empowered to collect the said City of Central taxes in the same manner and at the same time as other taxes upon the same tax list are collected.

Compensation

Section 7. The city council shall in each year make such allowance to be paid out of the general fund to the said county officers, as shall be a reasonable and just compensation for the extra labor imposed by this act, and shall also make an allowance to be paid out of the general fund to said Gilpin County, for the city's proportion of the expense of advertising the sale of lands for delinquent

taxes in each year, the amount to be certified to the city council by the clerk and recorder of said county.

Section 8. All acts or parts of acts in conflict herewith are hereby repealed.

Section 9. The General Assembly hereby finds, de-termines and declares that this act is necessary for the immediate preservation of the public safety. Safety clause

Section 10. In the opinion of the General Assembly, an emergency exists. Therefore this Act is to take effect and be in force on and after its passage. Emergency clause

Approved: April 6, 1917.

CHAPTER 45.

COAL MINE INSPECTION
REQUIREMENTS—RESTRICTIONS—FUND

(S. B. No. 284, by Senator Kluge and Mr. Du Praw)

AN ACT

TO AMEND SECTIONS 21, 29, 37, 40, 62, 66, 75, 80, 127, 129, 133, 166, 167 AND 174 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE HEALTH AND SAFETY OF PERSONS EMPLOYED IN AND ABOUT COAL MINES, AND FOR THE PROTECTION OF PROPERTY CONNECTED THEREWITH, TO CREATE A COAL MINE INSPECTION FUND AND PROVIDE FOR THE COLLECTION THEREOF, TO DECLARE ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT A MISDEMEANOR, AND TO PROVIDE PENALTIES FOR SUCH VIOLATIONS; AND TO REPEAL CHAPTER XXVII OF THE REVISED STATUTES OF COLORADO, 1908, AND ALL OTHER ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH," APPROVED APRIL 4, 1913, SAID ACT BEING CHAPTER 56 OF THE SESSION LAWS OF COLORADO, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That section 21 of "An Act to provide for the health and safety of persons employed in and about coal mines, and for the protection of property connected therewith, to create a coal mine inspection fund and provide for the collection thereof, to declare any violation of any of the provisions of this act a misdemeanor, and to provide penalties for such violations; and to repeal Chapter XXVII of the Revised Statutes of

Colorado, 1908, and all other acts or parts of acts in conflict herewith," approved April 4, 1913, said Act being Chapter 56 of the Session Laws of Colorado, 1913, be and it hereby is amended to read and provide as follows:

Section 21. The Chief Inspector of Coal Mines shall hold office for four years from the date of his appointment and he shall receive an annual salary of four thousand dollars together with his actual and necessary traveling expenses in the performance of his official duties, to be paid monthly out of the Coal Mine Inspection Fund hereinafter provided for.

Chief inspector
term and
salary

Section 2. That Section 29 of the Act mentioned in Section 1 hereof, be and it is hereby amended to read as follows, to-wit:

Act amended

Section 29. The Deputy Inspectors shall receive an annual salary of two thousand seven hundred dollars each and their actual and necessary traveling expenses incurred in the performance of their official duties, payable monthly out of the Coal Mine Inspection Fund hereinafter provided for. All expense accounts shall be itemized and approved by the Chief Inspector.

Deputy inspectors—salary

Fund
Expenses

Section 3. That Section 37 of the Act mentioned in Section 1 hereof, be and it is hereby amended to read as follows, to-wit:

Section
amended

Section 37. The Chief Inspector of Coal Mines shall submit an annual report to the Governor not later than the first day of April for the year ending December 31st, previous, in each and every year hereafter, which shall show the number of persons employed in and about each mine, the number of mines, the average number of days worked, the extent to which the law is obeyed, the progress made in the improvements sought to be secured by the passage of this act, the number of deaths resulting from injuries received in or about each mine, with the cause of each; statistics showing output of coal, the de-

Annual report

Contents of
report

velopments made at each mine, information concerning the production of coal and the amount sold within and outside the State; and making recommendations for the complete enforcement of this act; an itemized statement of expenditures made out of the Coal Mine Inspection Fund, and such other information of public interest as may come under the provisions of this act.

Report to be printed

The Secretary of State is hereby authorized to have printed not more than two thousand copies of said annual report, except by the consent of the Governor, and pay for the same out of the Coal Mine Inspection Fund hereinafter provided.

Section amended

Section 4. That Section 40 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Board of Examiners

Section 40. The Board of Examiners mentioned in Section 4 of this Act, shall meet at places selected by them, immediately after the taking effect of this act, and every two years or oftener, if necessary, thereafter at places designated by the Board, for the purpose of examining persons for the following positions; company mine examiners, mine foremen, assistant mine foremen and fire-bosses and to issue certificates of competency for same. The certificates of competency herein provided shall be issued to any person who shall satisfactorily pass such examination, written or oral, as may be prescribed by the Board, and who shall satisfy the Board that he shall have had at least five years experience in coal mines situated in the United States of America, and, also, that he shall have worked in underground positions in coal mines in Colorado for at least one year immediately prior to the date such examination is given. The Board of Examiners shall file, in the Chief Inspector's office, a list of names of successful candidates. Shotfirers shall pass an examination to be given by the Chief Inspector or Deputy Inspector on occasions when either of these officials shall

Examinations of mine employes

File list

Shotfirers' examination

be present at the mine where the applicant for the position of shot firers is employed; *provided*, that when there is no certificated shot firer at any mine employing shot firers the mine foreman and fire boss may examine any applicant as to his fitness to fill the position of shot firer and, having been satisfied of such fitness, may employ him in that capacity until the next visit of the Chief or Deputy Inspector.

Section 5. That Section 62 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit: Section amended

Section 62. The mine foreman shall direct at what hours blasting shall be done in the mine, but not so as to conflict with the provisions of this act, and a notice of the time shall be posted in a conspicuous place at the mine and a copy of the notice shall be kept on file at the mine office. Hours of blasting

Section 6. That Section 66 of the Act mentioned in Section 1 hereof shall be and it is hereby amended to read as follows, to-wit: Section amended

Section 66. In any working place that is being driven within supposedly dangerous proximity to an abandoned mine, suspected of containing explosive gas or fire, or that may contain a dangerous accumulation of water, the mine foreman shall see that at least two bore holes shall be maintained not less than twelve feet in advance of the face, and on each side of such working place bore holes of the same depth shall be drilled diagonally, not more than eight feet apart, and any place driven to tap water or gas shall not be more than eight feet wide. No water or gas from an abandoned mine or an abandoned portion of a mine and no bore holes from the surface shall be tapped until the employes, except those engaged at such work, are out of the mine, and such work shall be done under the immediate instruction and direction of the mine foreman; in all such cases Working near abandoned mine
Bore holes and precautions

locked safety lamps shall be used. Any such dangerous condition found to exist shall be removed if possible or made safe as soon as possible.

Section
amended

Section 7. That Section 75 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Record book

Section 75. A suitable record book shall be kept at the mine office, on the surface, of every mine, and immediately after the examination of such mine or any portion thereof by a fireboss, whose duty it is to make such examination, he shall enter in said book with ink, a record of such examination, and sign same. This record shall show the time taken in making the examination, the approximate amount of any explosive gas found, and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine, and if any danger or dangers have been discovered, the firebosses shall immediately report the location thereof to the mine foreman. No person shall enter the mine until the firebosses return to the mine entrance on the surface, or to a permanent station located in the intake entry of the mine, (where a record book as provided for in this Section shall be kept and signed by the person making the examination), and report to the mine foreman or the assistant mine foreman, by telephone or otherwise, that the mine is in safe condition for the men to enter. When a station is located in any mine it shall be the duty of the firebosses to sign also the report entered in the mine office on the surface. The record books of the firebosses shall at all times be accessible to the Inspector and during working hours to the employes of the mine in the presence of a recognized mine official.

Contents

Section
amended

Section 8. That Section 80 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Section 80. Nothing in this act shall prevent a mine foreman or an assistant mine foreman from acting as fireboss, or a regularly employed fireboss in an emergency as assistant mine foreman, *provided, however*, that in mines where explosive gas has been detected, only officials holding First Class Certificates shall be eligible to act as fire boss. Fire-boss

Section 9. That Section 127 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit: Section amended

Section 127. All doors, except automatic doors, on main haulage roads where two or more drivers are employed or where haulage is done by machinery, shall have an attendant whose constant duty it shall be to open it for transportation and travel and prevent it from standing open longer than necessary for persons or cars to pass through. All doors on main haulage roads developed after the passage of this act shall be so placed that when one door is open another which has the same effect upon the same current shall be and remain closed and thus prevent any temporary stoppage of the air current. Doors at main haulage road to have an attendant

Section 10. That Section 129 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit: Section amended

Section 129. Fans installed in all mines after the passage of this act, shall be so constructed that the air current can be reversed immediately, and shall be set off a distance of not less than twenty feet from the air course, measured at right angles to the air course, and all fans shall be equipped with an extra emergency engine or motor, and, also, a water gauge, to be kept in constant use where and when weather conditions will permit. In all operating mines fans shall be left running continuously day and night unless by permission of Inspector. Location and operation of fans

Section 11. That Section 133 of the Act mentioned in Section amended

Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Safety lamps

Section 133. In coal mines or parts of coal mines generating explosive gases and believed by the Chief Inspector to be unsafe for the use of open or naked lights, the Chief Inspector may, after January 1, 1918, require the owner to use either electric or safety lamps, or both. In all mines where electric lamps are used exclusively (except safety lamps for testing purposes) on account of the presence of explosive gases, the owner shall employ a First Class Certified Mine Official whose duty it shall be to look after the ventilation of the mine and the safety of the employes therein. All lamps shall be the property of the owner, and shall be kept in a room at the surface and delivered daily in good condition to the underground employes and others authorized to enter the mine. All safety lamps for testing purposes, and all electric lamps shall meet with the approval of the Chief Inspector. In parts of mines where noxious gases are generated in dangerous quantities, the Chief Coal Mine Inspector may prohibit the use of any kind of lamp which is unsafe.

Section amended

Section 12. That Section 166 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Owners' annual report

Contents

Section 166. It shall be the duty of each and every owner, on or before the thirty-first day of January of each and every year, to make a report to the Chief Inspector, duly sworn to before a Notary Public, covering the twelve months preceding the previous first day of January. The said report shall be made on blanks furnished by said Inspector, and shall show: The name of the owner or other official to whom official communications shall be sent, the total number of tons of coal mined, price paid per ton to the miners, number of tons of coal sold outside of State, volume of air current in cubic feet per minute, thickness of coal seam, number of tons of lump, number of tons of slack and nut and the number

of tons of coke made, railroad connections, average number of employes for year, number of employes at date of making report, number of fatal accidents, tons mined by hand under-mining, tons mined by machine, number of mining machines operated by electricity and number of machines operated by compressed air. It shall contain all other similar information which may be called for in the blanks issued by the Chief Inspector for such report.

Section 13. That Section 167 of the Act mentioned in Section 1 hereof be and it is hereby amended to read as follows, to-wit:

Section
amended

Section 167. There is hereby created a fund to be known as and called the Coal Mine Inspection Fund. Each owner operating a coal mine or coal mines in Colorado, shall, from and after January 1, 1917, and on not later than the 15th day of April, July, October and January, respectively, of each and every year, pay into the State Treasury for and to become a part of said Coal Mine Inspection Fund, an amount equal to one-third ($\frac{1}{3}$) of one cent (1c) per ton of coal, estimate on a run of mine basis, mined by said owner during the three preceding calendar months, and all moneys now in said Fund, and all moneys hereafter paid into said Fund on account of coal mined prior to January 1, 1917, and all moneys paid into said Fund on coal mined from and after January 1, 1917, shall be used and they are hereby appropriated for use to pay the salaries and traveling expenses and other expenses as in this act provided, and for no other purpose whatsoever; *provided, however*, that whenever at the end of any quarterly period, a surplus in excess of fifteen thousand dollars (\$15,000) exists or shall be found to have accumulated in said Fund, the State Treasurer shall forthwith in writing so notify the Chief Inspector of Coal Mines, and said Chief Inspector shall thereupon in writing so notify each owner by registered mail, and all owners of coal mines shall thereupon be excused and exempted from paying into said Fund on

Coal Mine In-
spection Fund

When exempt
from payment

the coal mined during the quarterly period next following that in which such surplus is found to exist or to have accumulated, and as frequently as may be necessary, such notices shall be given in order to keep and maintain such surplus within the said limit of fifteen thousand dollars (\$15,000); and in determining the amount of any such surplus, the moneys now in said Fund, and all moneys paid into said Fund on coal mined prior and subsequent to January 1, 1917, shall be included. Nothing herein provided shall release the owner of any coal mine or mines from liability on account of moneys payable into the Coal Mine Inspection Fund on coal mined by said owner prior to January 1, 1917, the cause of action for the recovery of which accrued under the provisions of said act prior to this amendment thereof. All expenses of the coal mine inspection department, including salaries and traveling expenses, shall be paid by the State Treasurer out of the moneys in said Coal Mine Inspection Fund on warrants drawn by the State Auditor on said Fund on vouchers issued by the Chief Inspector of Coal Mines and approved by the Governor. On or before the 10th day of each calendar month, the State Treasurer shall furnish to the Chief Inspector a detailed statement of moneys received for said Fund during the preceding calendar month.

Salaries and
expenses

Repealing
clause

Section 14. All acts or parts of acts in conflict herewith are hereby repealed.

Safety clause

Section 15. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public health, peace and safety.

Emergency
clause

Section 16. In the opinion of the General Assembly an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved: April 4, 1917.

CHAPTER 46.

COLORADO SCHOOL OF MINES
ADDITIONAL MILL LEVY FOR MAINTENANCE

(H. B. No. 153, by Messrs. Friend, Du Praw and Kelley)

AN ACT**LEVYING A TAX FOR THE SUPPORT AND MAINTENANCE
OF THE COLORADO SCHOOL OF MINES.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In addition to the levy now authorized by law, there shall be levied annually, beginning with the year 1917, upon all taxable property in the State of Colorado, for the use of the Colorado School of Mines, two hundredths of one mill on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner, and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes. Mill levy

Section 2. The entire fund derived from such levy each year is hereby appropriated for the support and maintenance of said School of Mines. Purpose

Section 3. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety. Safety clause

Approved: March 24, 1917.

CHAPTER 47.

COLORADO STATE HOSPITAL
MILL LEVY FOR MAINTENANCE

(H. B. No. 274, by Messrs. Foster, Mishou, Studzinski and Cawlfeld)

AN ACT

IN RELATION TO THE COLORADO INSANE ASYLUM,
CHANGING THE NAME THEREOF AND MAKING A TAX
LEVY THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

Name changed

Section 1. The Colorado Insane Asylum at Pueblo, Colorado, shall hereafter be known and designated as The Colorado State Hospital.

Mill levy

Section 2. There shall be levied annually, in addition to the levy now authorized by law, beginning with the year 1917, for the use of the Colorado State Hospital, heretofore known as the Colorado Insane Asylum, two-tenths of one mill on each and every dollar of the assessed valuation of all taxable property in the State of Colorado to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes. The entire tax levy provided for the Colorado State Hospital, heretofore known as the Colorado Insane Asylum shall hereafter be designated "The Colorado State Hospital Tax."

Purpose

Section 3. The entire fund derived from such levy each year is hereby appropriated for the support and maintenance of the Colorado State Hospital.

Approved: April 10, 1917.

CHAPTER 48.

CONSTITUTIONAL AMENDMENT
PUBLICATION OF LEGAL ADVERTISING

(S. B. No. 304, by Senator Elliot)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, BY ADDING THERETO ARTICLE XXIII, ENTITLED "PUBLICATION OF LEGAL ADVERTISING."

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, by adding to the said Constitution a new article to be numbered and designated as "Article XXIII, Publication of legal advertising," which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, to-wit:

Proposed
amendment**ARTICLE XXIII.**

Section 1. "Proposed constitutional amendments and proposed initiated and referred bills shall be published in two issues of two newspapers of opposite political faith in each county in the state. This publication shall be made at least one week apart and not less than three nor

Publications

more than five weeks before the election at which the said amendments or initiated or referred bills are to be voted upon."

Method of
voting

Section 2. Each elector voting at said election and desirous of voting for or against said amendment, shall place in the ballot box his or her ticket whereon shall be printed the words "For Reducing Cost of Legal Publication" and "Against Reducing Cost of Legal Publication," and shall indicate his or her choice by placing a cross opposite one or the other of said groups of words.

Canvass of
votes

Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the state for the canvass of votes for Representatives in Congress.

Approved: April 6, 1917.

CHAPTER 49.

CORPORATIONS

ASSESSMENT OF STOCK OF IRRIGATION COMPANIES

(S. B. No. 57, by Senator West)

AN ACT

TO AMEND SECTION 991 OF THE REVISED STATUTES OF COLORADO, 1908, BEING SECTION 147, CHAPTER 30, ENTITLED CORPORATIONS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 991 of the Revised Statutes of Colorado, 1908, being Section 147, Chapter 30, entitled Corporations, be amended so as to read as follows: Act amended

Section 991. ASSESSMENT ON STOCK—WHEN LEVIED.—

Any corporation owning any ditch or canal for conveying, or reservoir for storing water for irrigation purposes, and when it is deemed necessary to raise funds to keep its ditch, canal or reservoir in good repair, or it is deemed necessary to raise funds to pay any indebtedness theretofore contracted or the interest thereon, such corporation shall have power to make an assessment on the capital stock thereof, to be levied pro rata on the shares of stock, payable in money or labor or both, for the purpose of keeping the property of such corporation in good repair and for the payment of any such indebtedness or interest thereon. But no such assessment shall be made unless the question of making such assessment shall first be submitted to the stockholders of such corporation, at

Assessment of
capital stock

Must be sub-
mitted to
stockholders
at annual
meeting

**When directors
may act**

an annual meeting, or at a special meeting called for that purpose, and a majority of the stock issued and outstanding, represented either by the owner or in person or by proxy, voting thereon, shall vote in favor of making such assessment, and in case said stockholders fail to hold any such meeting or fail to make or authorize any such assessment by the 1st of April in any year, then the directors shall have power to make any such assessment at any regular or special meeting called therefor for such year, and an action may be maintained to recover any assessment against any delinquent shareholder, or such corporation may provide for the sale and forfeiture of shares of stock for such assessment as provided in Section 850 of the Revised Statutes of Colorado, 1908, and may have the benefit of such section for the recovery of such assessments, either by an action or sale and forfeiture, or both, and such corporation shall have a perpetual lien upon such shares of stock and the water rights represented by the same, for any and all such assessments and all parts thereof until the same are fully paid.

**Perpetual lien
for unpaid
indebtedness**

Safety clause

Section 2. In the opinion of the General Assembly this act is deemed necessary for the immediate preservation of the public peace, health and safety.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force immediately after its passage.

Approved: April 6, 1917.

CHAPTER 50.

**COUNTY COMMISSIONERS
CLASSIFICATION OF SALARIES**

(S. B. No. 128, by Senator Means and Messrs. Furrow, Nagel and Jenkins)

AN ACT

CONCERNING COMPENSATION OF COUNTY COMMISSIONERS WITHIN THE STATE OF COLORADO.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The county commissioners of the various counties shall receive, as sole compensation for services rendered by them as such county commissioners, an annual salary to be paid in twelve equal monthly installments out of the general fund, to-wit:

Salaries, how paid

First Class—Salary \$1800; El Paso, Pueblo, Weld, Las Animas, Boulder, Larimer.

Classification

Second Class—Salary \$1200; Jefferson, Mesa, Otero, Fremont.

Third Class—Salary \$1000; Teller, Adams, Huerfano, Logan.

Fourth Class—Salary \$900; Arapahoe, Delta, Conejos, Gunnison, Kit Carson, Lincoln, Garfield, La Plata, Yuma, Montrose, Prowers, Morgan.

Fifth Class—Salary \$800; Chaffee, Crowley, Routt, San Miguel, Park.

Sixth Class—Salary \$700; Bent, Eagle, Montezuma, Ouray, Douglas, Pitkin, Phillips, Kiowa, Rio Blanco, Sedgwick, Saguache, Washington.

Seventh Class—Salary \$600; Archuleta, Alamosa, Cheyenne, Clear Creek, Costilla, Elbert Gilpin, Rio Grande, Lake.

Eighth Class—Salary \$400; Grand, Jackson, Mineral, Summit.

Ninth Class—Salary \$5.00 per diem for each day necessarily spent in the performance of their duties as such commissioner and ten cents per mile for distance actually traveled by them in going to and returning from the place of meeting, and such per diem and mileage in counties of the ninth salary class shall in no event exceed the sum of \$500 in any one year; Baca, San Juan, Moffat, Hinsdale, Custer, Dolores.

Classification
defined

The above classification shall apply only to this Act and will in no way interfere with the classification of counties as made by Chapter 55, Sessions Laws 1913.

Approved: April 14, 1917.

CHAPTER 51.

COUNTY COURTS
TERMS IN JEFFERSON COUNTY

(H. B. No. 76, by Mr. Friend)

AN ACT

TO FIX THE TERMS OF THE COUNTY COURT IN JEFFERSON COUNTY, COLORADO, AND REPEALING ALL ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There shall hereafter be held annually in the County of Jefferson and State of Colorado, four terms of the County Court, commencing on the second Monday in the month of January, and the first Monday in the months of April, July and October, respectively. Terms of court

Section 2. So much of Section 1525 of the Revised Statutes of Colorado 1908, and all other acts and parts of acts in conflict with this act, are hereby repealed. Acts repealed

Section 3. This act shall take effect and be in full force ninety days after its passage. When act in force

Approved: April 6, 1917.

CHAPTER 52.

COUNTY GOVERNMENT
REFUNDING BONDS

(S. B. No. 349, by Senator Starkweather)

AN ACT

TO ENABLE THE SEVERAL COUNTIES OF THE STATE TO
REFUND THEIR BONDED INDEBTEDNESS, AND TO
REPEAL CHAPTER SIXTY-TWO (62) OF THE SESSION
LAWS OF COLORADO OF 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Issuance of re-
funding bonds
by county

Section 1. The board of county commissioners of any county in the state of Colorado may issue negotiable coupon bonds, to be denominated refunding bonds, for the purpose of refunding any of the bonded indebtedness of such county, whether due or not due, or which has or may hereafter become payable at the option of such county or by consent of the bondholders, or by any lawful means, whether such bonded indebtedness be now existing or may hereafter be created, and there shall not be funds in the treasury of such county available for the payment or redemption of such bonds; but the amount of such refunding bonds to be issued under the provisions of this act shall first be determined by such board of county commissioners, and a certificate of such determination shall be made and entered in and upon the records of the county prior to the issuance of said refunding bonds.

Section 2. Whenever such board of county commissioners shall deem it expedient to issue refunding bonds

under the provisions of this act, the rate of interest thereon shall not exceed the rate of five per centum per annum, and such refunding bonds may issue without the submission of the question of issuing such refunding bonds to a vote of the qualified electors of such county.

Rate of Interest

May issue
without vote
of electors

Section 3. If the board of county commissioners shall determine to issue refunding bonds, such board shall thereupon adopt a resolution which shall not be subject to the referendum provisions of any statute providing for the issue of said refunding bonds in accordance with the provisions of this act. Such resolution shall fix the date of said refunding bonds, shall designate the denomination or denominations thereof, the rate of interest, the maturity date, which shall not be more than twenty-five years from the date of said refunding bonds, the place or places of payment, within or without the state of Colorado, of both principal and interest, and shall prescribe the form of said refunding bonds. Such refunding bonds shall be negotiable in form, shall recite the title of the act under which they are issued, shall be executed in the name of the county and signed by the chairman of the board of county commissioners, countersigned by the county treasurer, with the seal of the county affixed thereto and attested by the county clerk. The interest accruing on such refunding bonds shall be evidenced by semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the county treasurer, and when so executed such coupons shall be the binding obligations of the county, according to their import. In the adoption of said resolution providing for the issue of such refunding bonds, the board of county commissioners shall make the principal of the debt payable in equal annual installments during the currency of the period (not exceeding twenty-five years) within which the debt is to be discharged; *provided*, that the date of the maturity of the first installment of the debt shall be not more than five years from the date of said refunding bonds.

Resolution not
subject to
referendumContents of
resolutionForm of re-
funding bondsInterest
coupons

Term

Disposition
of bonds

Section 4. All such refunding bonds may be exchanged, dollar for dollar, for the bonds to be refunded, or they may be sold at not less than their par value, as directed by the board of county commissioners, and the proceeds thereof shall be applied only to the purpose for which such refunding bonds were issued. Such refunding bonds shall not be issued until the outstanding bonds to be refunded have been called in and cancelled in an amount equal to or in excess of the bonds so issued, and all accrued interest on any such bonds to be refunded shall be paid before such refunding bonds are issued.

Outstanding
bonds to be
cancelled

Interest—how
paid

Section 5. The interest accruing on such refunding bonds issued pursuant to the provisions of this act prior to the time when tax levies are available therefor shall be paid out of the general revenues of the county, and for the purpose of reimbursing such general revenues and for the payment of subsequently accruing interest, the board of county commissioners issuing such refunding bonds, or the proper tax-assessing and collecting officers upon whom shall devolve the duty of levying and collecting county taxes, shall levy annually a sufficient tax upon all the taxable property in the county fully to discharge such interest and for the ultimate redemption of such refunding bonds they shall levy annually such a tax upon all the taxable property in such county as will create a fund sufficient to discharge each annual installment of such refunding bonds at the maturity thereof, which fund shall be called the redemption fund. All taxes for interest on and for the redemption of such bonds shall be paid in cash only and shall be kept by the county treasurer as a special fund, to be used only in payment of the interest upon and for the redemption of such bonds, and such tax shall be levied and collected as other county taxes are levied and collected. The tax provisions for the ultimate redemption of such bonds shall be set forth in the resolution authorizing their issue, and shall set forth

Duty of tax
assessing
bodies

Kept as special
fund

Redemption
proviso

the years in which such taxes shall be levied for the creation of said redemption fund.

Section 6. Any resolution authorizing an issue of refunding bonds under the provisions of this act, and providing for the levy of taxes for the payment of the interest upon and the principal of such refunding bonds, shall not be altered or repealed until the indebtedness thereby authorized shall have been fully paid.

Resolution not
to be altered
until indebted-
ness paid

Section 7. All acts or parts of acts in conflict herewith, particularly Chapter 62, Session Laws of Colorado, 1915, be and the same are hereby repealed; *provided*, however, such repeal shall in no wise affect any bonds issued under any act or acts or portions of acts so repealed; and *provided further*, that any and all proceedings heretofore had and which are now being had or carried forward under any act or acts or portions of acts hereby repealed may be carried forward and completed under the provisions of this act.

Act repealed

Exceptions

Approved: March 30, 1917.

CHAPTER 53.

DEEDS AND MORTGAGES**FORMS—CONTENTS—EXECUTION—ACKNOWLEDGMENT**

(S. B. No. 233, by Senator Hetherington)

AN ACT

SPECIFYING WHAT DEEDS, MORTGAGES AND OTHER INSTRUMENTS AFFECTING THE TITLE TO REAL PROPERTY MAY CONTAIN AND HOW THEY MAY BE EXECUTED AND ACKNOWLEDGED AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Form of deeds

Section 1. Deeds for the conveyance of real property may be substantially in the following form:

KNOW ALL MEN BY THESE PRESENTS:

That I.....of the
County of..... and State of.....
for the consideration of.....Dollars,
in hand paid, hereby sell and convey to.....
of the County of.....and the State
of....., the following real prop-
erty situate in the County of.....and
State of Colorado, to-wit:.....
.....
with all its appurtenances and warrant the title to the
same.

Signed and delivered this.....day
of.....19.....

STATE OF COLORADO

.....COUNTY OF..... } SS.

I,in and for
said.....County, in the State aforesaid,
do hereby certify that.....

..... who.....per-
sonally known to me to be the person.. whose name
.....subscribed to the foregoing deed, ap-
peared before me this day in person, and acknowledged
that.....signed, sealed and delivered the
said instrument of writing as.....free and
voluntary act and deed, for the uses and purposes therein
set forth.

Given under my hand and.....seal,
this.....day of.....A. D.....

My commission expires.....
A. D.

Every deed in substance, in the above form, when
otherwise properly executed and acknowledged shall be
deemed and held a conveyance in fee simple to the grantee,
his heirs or assigns with covenants on the part of the
grantor;

**When held a
conveyance**

FIRST: That at the time of the making and deliv-
ery of such deed he was lawfully seized of an indefeasible
estate in fee simple, in and to the premises therein de-
scribed, and has good right and full power to convey the
same.

SECOND: That the same were free and clear from
all incumbrances and

THIRD: That he warrants to the grantee, his heirs
and assigns, the quiet and peaceable possession of such
premises, and will defend the title thereto against all
persons who may lawfully claim the same. And such
covenants shall be obligatory upon any grantor, his heirs
and personal representatives as fully, and with like effect
as if written at length in said deed.

Bargain and
sale deed

Section 2. A deed executed according to the form in Section One of this act, with the words "and warrant the title to the same" omitted therefrom, shall have the same force and effect as a bargain and sale deed, without covenants of warranty, at common law and will pass the after acquired title of the grantor; and the words, "and warrant the title against all persons claiming under me," and included in such deed, shall be a covenant that the grantor will warrant and defend the title to the grantee, his heirs and assigns, against all persons claiming to hold title by, through or under the grantor.

Warranty deed

Quit-claim deed

Section 3. A deed executed according to the form in Section One of this act, with the words "quit claim" substituted for "convey" and the words "and warrant the title to the same" omitted therefrom, shall be a deed of quit-claim and shall have the same effect as a conveyance as quit-claim deeds now in use.

Form of mort-
gages

Section 4. Mortgages of real property may be in the following form:

KNOW ALL MEN BY THESE PRESENTS:

That I, of the
County of and State of
hereby mortgage to, of the
County of and State of Colorado
to secure the payment of
Dollars, due as follows:

.....
the following described real property situate in
..... County, State of Colorado, to-wit:
.....
.....
with the appurtenances, and warrant the title to the same.

Signed and delivered this day
of 19.....

STATE OF COLORADO

..... COUNTY OF

} ss.

I,in
 and for said.....County, in the State
 aforesaid, do hereby certify that.....
 who..... personally known to me to be the per-
 son.. whose name.. subscribed to the foregoing Deed,
 appeared before me this day in person, and acknowl-
 edged that..... signed, sealed and
 delivered the said instrument of writing as.....
 free and voluntary act and deed, for the uses and pur-
 poses therein set forth.

Given under my hand and.....seal,
 this.....day of.....A. D.....

My commission expires.....
 A. D.

.....

 Every such mortgage when otherwise properly exe-
 cuted and acknowledged shall be deemed and held a good
 and sufficient mortgage in fee to secure the payment of
 the moneys therein specified, and if the same contains the
 words, "and warrants the title to the same," it shall be
 construed the same as if full covenants of seizure, in
 good right to convey, against incumbrances, of quiet en-
 joyment and general warranty, as expressed in Section
 One of this act, were fully written therein; but if the
 words "and warrant the title to the same" are omitted,
 no such covenants shall be implied.

When mort-
 gages are good
 and sufficient

Section 5. It shall not be necessary to the proper
 execution of any conveyance affecting real property that
 the same shall be executed under the seal of the grantor,
 nor that any seal or scroll or other mark be set opposite
 the name of the grantor.

Seal of grantor
 not necessary

Section 6. That all acts and parts of acts in conflict
 with the provisions of this act, are hereby repealed.

Repealing
 clause

Approved: April 6, 1917.

CHAPTER 54.

**DEFRAUDING LABOR
PENALTIES—JURISDICTION**

(H. B. No. 225, by Mr. McDonald)

AN ACT**TO PREVENT THE DEFRAUDING OF PERSONS OUT OF
COMPENSATION FOR THEIR LABOR OR SERVICES.***Be It Enacted by the General Assembly of the State of Colorado:***Penalty for
false
pretenses**

Section 1. Any person who shall knowingly and designedly, by any false pretense or pretenses, obtain the labor or services of another shall be deemed a swindler and upon conviction shall, where the labor or services obtained is over the value of twenty dollars, be imprisoned in the state penitentiary not to exceed ten years; and where the labor and services obtained is of the value of twenty dollars or less be fined in any sum not exceeding one thousand dollars or imprisoned in the county jail not to exceed six months; or by both, in the discretion of the court; and in all cases where the value of the labor or services obtained is twenty dollars or less, justices of the peace shall have jurisdiction of violations of this act.

**Officers charged
with enforce-
ment**

Section 2. The Commissioner of Labor Statistics of the State of Colorado shall co-operate with the District Attorneys, Sheriffs and all peace officers of the state in the enforcement of this act.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 10, 1917.

CHAPTER 55.

**DISCRIMINATION
PROHIBITED IN PUBLIC PLACES**

(S. B. No. 200, by Senator Kluge and Mr. Crowley)

AN ACT

TO PREVENT DISCRIMINATION AT PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT, AND TO PREVENT PUBLICATION AND DISTRIBUTION OF DISCRIMINATING MATTER AND TO PUNISH THE SAME.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That no person, being the owner, lessee, proprietor, manager, superintendent, agent or employe of any place of public accommodation, resort or amusement shall directly or indirectly, by himself or anybody else, publish, issue, circulate, send, distribute, give away or display in any way, manner, shape, means or method, except as hereinafter provided, any communication, paper, poster, folder, manuscript, book, phamplet, writing, print, letter, notice or advertisement of any kind, nature or description, intended or calculated to discriminate or actually discriminating against any religious sect, creed, denomination or nationality, or against any of the members thereof in matter of furnishing or neglecting or refusing to furnish to them or any one of them, any lodgings, housing, schooling, tuition, or any accommodations, right, privilege, advantage or convenience offered to or enjoyed by the general public, or to the effect that any of the accommodations, rights, privileges, advantages or conveniences of any such place of public accommodation, resort or amusement shall or will be refused, withheld from or denied to any person or persons or class of per-

Discrimination
prohibited in
public places
on account
creed or
nationality

sons on account of race, sect, creed, denomination or nationality, or that the patronage, custom, presence, frequenting, dwelling, staying or lodging at such place of any person, persons, or class of persons belonging to or purporting to be of any particular race, sect, creed, denomination or nationality, is unwelcome, objectionable, or not acceptable, desired or solicited.

Presumptive
evidence

Section 2. The production of any such communication, paper, folder, manuscript, book, pamphlet, writing, print, letter, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, agent, superintendent, manager or employe thereof, shall be presumptive evidence in any civil or criminal action or prosecution that the same was authorized by such person.

Places where
this act is
applicable

Section 3. A place of public accommodation, resort or amusement, within the meaning of this act, shall be deemed to include any inn, tavern or hotel, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bath house, barber shop, theater and music hall.

Section 4. Nothing in this act contained shall be construed to prohibit the mailing of a private communication in writing sent in response to specific written inquiry.

Penalty

Section 5. Any person who shall violate any of the provisions of this act, or who shall aid in or incite, cause or bring about in whole or in part the violation of any of such provisions, shall for each and every violation thereof be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or shall be imprisoned not less than thirty (30) days, nor more than ninety (90) days, or both such fine and imprisonment.

Approved: March 30, 1917.

CHAPTER 56.

DISTRICT ATTORNEYS
ADDITIONAL DUTIES PRESCRIBED

(H. B. No. 184, by Messrs. Torbit, Friend and Cole)

AN ACT

TO PRESCRIBE ADDITIONAL DUTIES FOR DISTRICT ATTORNEYS IN THE STATE OF COLORADO AND TO FIX FEES FOR THE SAME.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That in addition to the duties already prescribed by law, the district attorneys for the several judicial districts in the State of Colorado, shall appear in their respective districts at any and all sessions of all grand juries which may be convened in any county within their respective districts, and it shall be the duty of the district attorney to advise any grand jury convened within his district, and examine witnesses which may be subpoenaed before any such grand jury.

Appear before
all grand juries

Section 2. That district attorneys, in districts of all classes, shall receive, in addition to the fees now prescribed by law, a fee of \$10.00 for each day's attendance at sessions of grand juries in their respective districts.

Additional fees

Approved: April 10, 1917.

CHAPTER 57.

**DISTRICT ATTORNEYS
COMPENSATION OF DEPUTIES**

(S. B. No. 252, by Senators Dunlap and Eaton, and Messrs. Mishou, Torbit, Meyer and Girard)

AN ACT**CONCERNING THE COMPENSATION OF DEPUTY DISTRICT
ATTORNEYS**

Be It Enacted by the General Assembly of the State of Colorado:

Compensation
payable
monthly

Section 1. That in all counties in this state of the first and second classes, so classified for the purpose of providing for and regulating the compensation of county and other officers, the compensation of the deputies of the district attorneys shall be payable in monthly installments out of the general funds of such counties.

Approved: March 2, 1917.

CHAPTER 58.

DISTRICT COURT
APPEALS FROM COUNTY COURT

(H. B. No. 70, by Mr. Anderson and Senator Dunklee)

AN ACT**IN RELATION TO APPEALS TO THE DISTRICT COURT
FROM THE COUNTY COURT IN PROBATE MATTERS.***Be It Enacted by the General Assembly of the State of Colorado:*

Appeals shall lie and may be taken from the County Court to the District Court of the same county, from any and all final judgments, decrees or orders of such County Court, entered upon any question of law or fact, or both, relating to probate matters or arising in proceedings in probate, including proceedings in estates of minors, deceased persons and persons mentally incompetent; to be taken, allowed and prosecuted in the same manner as is now or may hereafter be prescribed by law for appeals from the County Court to the District Court in civil or law cases; *provided, however,* that when such appeal is prosecuted by the administrator, executor, guardian or conservator of any estate, no bond shall be required either by said County or District Court. In all such appeals, it shall be the duty of the District Court, when any such question shall have been finally passed upon, to transmit, or cause to be transmitted, by the clerk thereof, to the County Court from which such appeal was taken, a transcript showing the disposition of

Appeal to
district court
in probate
mattersWhen no bond
is requiredTranscript
transmitted

such appeal, whereupon such County Court shall proceed in accordance with such finding, order or disposition thereof by such District Court.

Repealing
clause

All acts or parts of acts in conflict herewith are hereby repealed.

Approved: April 19, 1917.

CHAPTER 59.

DISTRICT COURT
TERMS—FOURTH JUDICIAL DISTRICT

(S. B. No. 189, by Senators Lewis and Reilly)

AN ACT**FIXING THE TERMS OF THE DISTRICT COURT IN THE
FOURTH JUDICIAL DISTRICT.***Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. The terms of the district court of the fourth judicial district, consisting of the counties of Cheyenne, Douglas, Elbert, El Paso, Kit Carson, Lincoln and Teller, shall be held in the respective counties as follows, commencing on the following named days in each and every year: In the County of Cheyenne, on the first Tuesday in October and the first Tuesday in March; in the County of Douglas on the second Monday in December; in the County of Elbert on the first Tuesday in June; in the County of El Paso on the second Tuesday in January, on the second Tuesday in May and on the second Tuesday in September; in the County of Kit Carson on the third Tuesday in April and third Tuesday in October; in the County of Lincoln on the second Tuesday in April and second Tuesday in October; and in the County of Teller on the third Tuesday in January, on the third Tuesday in May and on the third Tuesday in September.

**Terms of Court
in Fourth
District**

Section 2. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed; *provided,*

**Repealing
clause**

Causes
pending

however, that all actions, causes, issues and proceedings, civil, criminal and special, which are pending in the District Court of any of the above named counties, including causes in which the place of trial has been changed to any other county, and including attachments and undertakings of every kind, shall be held to be pending at the first term of said court in and for the county wherein the same is now pending, as fixed by this act, and may be regularly proceeded with at such term and in the same manner and with the same effect as though pending at the next regular term as fixed by law prior to this act; and all recognizances, bonds and undertakings whereby any person or persons shall be required to appear, or do any other act at any term of any of said courts as heretofore fixed by law, shall be deemed to require the same act or appearances at the first term of said court in the said several counties respectively after this act shall take effect as fixed herein, and proceedings thereon at such term herein fixed shall be taken the same as they might have been at any term heretofore fixed by law in the said several counties.

Approved: April 4, 1917.

CHAPTER 60.

DISTRICT COURT
TERMS IN CROWLEY COUNTY

(H. B. No. 221, by Mr. Bashor)

AN ACT

**PROVIDING TERMS OF THE DISTRICT COURT OF
CROWLEY COUNTY**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the terms of the District Court in and for the County of Crowley shall be fixed and established as follows:

The second Monday in February, the fourth Monday in June, and the fourth Monday in September of each year. Terms of court

Section 2. All acts and parts of acts inconsistent with the provision of this act are hereby repealed. Repealing clause

Approved: April 10, 1917.

CHAPTER 61.

DISTRICT COURT
TERMS—TWELFTH JUDICIAL DISTRICT

(H. B. No. 210, by Mr. Bronaugh)

AN ACT

TO FIX THE TERMS OF THE DISTRICT COURT OF THE SEVERAL COUNTIES OF THE TWELFTH JUDICIAL DISTRICT OF THE STATE OF COLORADO, AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Terms of the District Court shall be held in the several counties of the Twelfth Judicial District of the State of Colorado in each and every year as follows, to-wit: In the county of Alamosa commencing on the second Monday in March and on the first Tuesday in September; in the county of Conejos commencing on the third Monday in April and on the fourth Monday in November; in the county of Rio Grande commencing on the second Monday in May and on the first Monday in November; in the county of Saguache commencing on the first Monday in June and on the second Monday in October; in the county of Costilla commencing on the fourth Monday in June, and in the county of Mineral commencing on the fourth Monday in September.

Section 2. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed, *provided, how-*

Terms of
court

Repealing
clause

ever, that all actions, causes, issues and proceedings, civil, criminal and special, which are pending in the District Court of any of the above named counties, including causes in which the place of trial has been changed to any other county, and including attachments and undertakings of every kind, shall be held to be pending at the first term of said court in and for the county wherein the same is now pending, as fixed by this act, and may be regularly proceeded with at such term and in the same manner and with the same effect as though pending at the next regular term as fixed by law prior to this act; and all recognizances, bonds and undertakings whereby any person or persons shall be required to appear, or do any other act at any term of any of said courts as heretofore fixed by law shall be deemed to require the same act or appearances at the first term of said court in the said several counties respectively after this act shall take effect as fixed herein, and proceedings thereon at such term herein fixed shall be taken the same as they might have been at any term heretofore fixed by law in the said several counties.

Causes pending

Approved: March 16, 1917.

CHAPTER 62.

DISTRICT COURT
TRANSFERENCE OF TRIALS AND HEARINGS

(S. B. No. 384, by Senators Mitten and Andrew and Mr. Scott)

AN ACT**CONCERNING THE PLACE OF HEARINGS AND TRIALS IN
DISTRICT COURTS.***Be It Enacted by the General Assembly of the State of Colorado:***Transference
of causes**

Section 1. That the place of trial of all causes, both civil and criminal, in district courts may by consent of parties and the approval of the judge be changed to any other county in the state.

Procedure

Section 2. That in all such causes pending in any of the district courts of the state, by consent of parties and with the approval of the judge, hearings may be had, pleas received, orders made, evidence taken, final judgments and decrees signed, and sentences imposed in any county of the district in which such cause may be pending; *Provided*, that in all cases where such action is taken outside of the county in which the cause is pending the proceedings thereon and the action of the judge with respect thereto shall be put in writing, signed by him and transmitted to the Clerk of the District Court of the proper county for filing and record in his office.

**Record of Court
action****Repealing
clause**

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Safety clause

Section 4. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public safety.

Approved: March 30, 1917.

CHAPTER 63.

DISTRICT JUDGES
FOURTH JUDICIAL DISTRICT

(S. B. No. 188, by Senators Lewis and Reilly)

AN ACT

**CONCERNING THE JUDGES IN THE FOURTH JUDICIAL
DISTRICT**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be elected by the qualified electors of the Fourth Judicial District of the State of Colorado at the general election in the year 1918, and every six years thereafter, two judges of the District Court.

Number of
judges

Section 2. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public safety.

Safety clause

Approved: April 4, 1917.

CHAPTER 64.

**DISTRICT JUDGES
TRAVELING EXPENSES**

(S. B. No. 129, by Senator Napier and Mr. Houtchens)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR
CERTAIN EXPENSES OF DISTRICT JUDGES", AP-
PROVED MAY 14, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 1 of "An Act to Provide Certain Expenses of District Judges", Approved May 14, 1913, be and the same is hereby amended to read as follows:

Necessary
expenses to be
paid by State

Section 1. That from and after the passage of this act, the expenses actually and necessarily incurred by the several Judges of the District Courts of the State of Colorado, in the discharge of their official duties, including actual personal travel expenses of whatever amount, and the actual personal maintenance expenses not exceeding Three Dollars (\$3.00) per day, necessarily incurred in attending to official duties at points outside the County of residence of any such Judge, shall be paid by the State of Colorado.

Act amended

Section 2. That Section 2 of "An Act to Provide Certain Expenses of District Judges", Approved May 14, 1913, be and the same is hereby amended to read as follows:

Section 2. Each such Judge shall keep an account of all moneys actually paid out for such expenses and shall file verified, itemized statements thereof, not oftener than monthly with the Auditor of State, who shall audit the same and draw a warrant therefor, which shall be paid by the State Treasurer out of the appropriate fund.

Judges to file
monthly
statements

Approved: April 6, 1917.

CHAPTER 65.

DIVORCE
CAUSES AND PROCEDURE

(S. B. No. 3, by Senator Knauss)

AN ACT

CONCERNING MARRIAGE AND DIVORCE AND TO REPEAL
ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH
THE PROVISIONS OF THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Causes for
divorce

Section 1. Any marriage may be dissolved and a divorce granted for any one or more of the following named reasons, and for no other cause, to-wit:

First: That the spouse from whom the divorce is sought was impotent at the time of the marriage, or became impotent through immoral conduct committed after the marriage.

Second: That the spouse from whom a divorce is sought had a husband or wife living, and not divorced, at the time of the marriage.

Third: That the spouse from whom a divorce is sought has committed adultery since the marriage.

Fourth: That the spouse from whom a divorce is sought has wilfully deserted the other spouse without reasonable cause for the period of one year or more immediately preceding the beginning of the action for divorce.

Fifth: That the spouse from whom a divorce is sought has been extremely and repeatedly cruel toward

*See 605-
Stat 1908*

the other spouse; and such cruelty may consist of the infliction of mental suffering or bodily violence.

Sixth: That the husband, being in good bodily health, has failed to make reasonable provision for the support of his family for a period of one year or more next prior to the beginning of the action for divorce.

Seventh: That the spouse from whom a divorce is sought has been a habitual drunkard or drug fiend for a period of one year or more next prior to the beginning of the action for divorce.

Eighth: That the spouse from whom a divorce is sought has been convicted of a felony in a court of record in any state since the marriage.

A divorce shall not in any wise affect the legitimacy of any child of a marriage, nor its right to inherit the property of its father or mother. Legitimacy

Section 2. The District Court shall have jurisdiction of all actions for divorce and alimony, and shall have the power to decree a dissolution of the marriage, if any of the causes mentioned in this act shall be proven to exist; and the process, practice and proceedings shall be had in such cases as are usually had in other civil cases, and in accordance with the requirements of the Code of Civil Procedure, except as expressly modified or otherwise provided in this act. Jurisdiction of District Court

Practice

And the County Court shall have jurisdiction of all actions for divorce and alimony wherein the bill of complaint shall aver that the plaintiff does not ask or seek alimony in excess of the sum of two thousand dollars, and in such cases the jurisdiction of the County Court shall be as full and complete and extensive as the jurisdiction of the District Court in such cases. If such action is properly brought in the County Court, the jurisdiction of that court shall not be ousted by the defendant filing an answer or cross-complaint asking alimony in excess of the sum of two thousand dollars. An action for di- Jurisdiction of County Court

vorice may be brought in the District Court or in the County Court by either a husband or a wife, subject to the limitations on the jurisdiction of the County Court as above prescribed.

Answer in
action for
separate
maintenance

In any action for separate maintenance the answer of the defendant shall contain:

1. A general or specific denial of each material allegation in the complaint intended to be controverted by the defendant.

2. A statement of any new matter constituting a defense or constituting an action for divorce, in ordinary and concise language, without unnecessary repetition.

Personal
service on
defendant

Section 3. In every action for divorce, personal service of the summons and a copy of the complaint shall be made on the defendant, except as provided in section four hereof. If such service be made within the State of Colorado, then the defendant shall have thirty days thereafter within which to plead to said complaint; if the defendant is not within the State of Colorado, then personal service of the summons and a copy of the complaint may be made by the Sheriff of the County in any state in which such defendant is found, or by a United States Marshal if the defendant is found in a United States Territory or District, or by a United States Consul, or by some person of legal age appointed by such Consul, if the defendant is found in a foreign country; and the return of such officer showing such personal service shall be held to be a sufficient service to give the Court jurisdiction of such defendant; and in case of such service outside of the State of Colorado the defendant shall have fifty days from the date of such service within which to plead to such complaint, and in all cases the time within which the defendant must appear and plead shall be stated in the summons. Service of summons by a Sheriff may be made through an undersheriff, or a deputy sheriff in the name of the sheriff, and service by

By whom
service made

Defendant's
time to
answer

Service by
deputy

a United States Marshal may be made through a deputy Marshal in the name of the Marshal.

Section 4. In any case where the defendant is without the State of Colorado and his or her location is unknown to the plaintiff, or where the defendant conceals himself or herself in Colorado so that summons cannot be personally served upon him or her, or where the plaintiff has no knowledge or notice, direct or indirect, of where the defendant can be found, within or without the State of Colorado, the plaintiff may make an application to the Court for an order to make service of the summons on the defendant by publication; such application shall be made under oath and shall state fully and in detail all of the efforts made by the plaintiff to procure personal service of the summons on the defendant, and all of the knowledge of the plaintiff concerning the location of the defendant and shall state all the facts within the knowledge of the plaintiff which might assist in learning the address of the defendant. The Court or the judge thereof, in vacation, shall, upon the hearing of said application, carefully examine the plaintiff and such other witnesses as shall be produced, in order to determine what steps shall be taken to notify such absent defendant of the pendency of the action. The Court or the Judge thereof shall, if satisfied of the good faith of the plaintiff cause the summons to be published in the same manner and with like effect as is now provided by law for publication of summons in cases of attachment.

Service by
publication

Procedure

Period of
publication

Section 5. No person shall be granted a divorce unless such person has been a bona fide resident and citizen of this State during the one year next prior to the commencement of the action, which fact shall be proven by at least one credible witness other than the plaintiff. *Provided*, that this section shall not affect applications for divorce upon the grounds of adultery or extreme cruelty, where the offense was committed within this State. *Provided, further*, that such suit shall only be

One year's
residence

Exceptions

Venue of action

brought in the county in which such plaintiff or defendant reside or where such defendant last resided.

Cross-complaint

Section 6. In any action for divorce the defendant may file a cross-complaint in which may be set forth any one or more causes for divorce or separate maintenance against the plaintiff; and if upon the trial of such action both parties shall be found guilty of any one or more of the causes for divorce, then a divorce shall not be granted to either of said parties.

Divorce denied if both parties guilty

Alimony, temporary and permanent

Section 7. At all times after the filing of a complaint in an action for divorce, the court in term time, or the judge thereof in vacation, may make such order for the care and custody of a minor child or children of the parties as the circumstances of the case may warrant, and such court or judge may grant alimony and counsel fees pendente lite to the wife; and when a divorce has been granted the court may make such order and decree providing for the payment of alimony and maintenance of the wife and minor children or either of them as may be reasonable and just, and may require security to be given for the payment of such alimony, or enforce the payment thereof by execution or imprisonment, or may decree a division of property; *provided*, that the remarriage of the former wife shall relieve the former husband from the further payment of alimony to her, but such remarriage shall not relieve the former husband from the provisions of any judgment or decree or order providing for the support of any minor child.

Remarriage of former wife stops alimony

Jury trial

Section 8. A jury of three shall be sufficient for the trial of all divorce cases, unless a greater number not exceeding twelve shall be demanded by one of the parties thereto before the commencement of the trial; in which event the party making such demand shall pay the expenses of the additional number of jurors; *provided*, that whenever a case for divorce shall be called for trial, if no appearance shall be made for the defendant, or if appearance is entered and the case is not contested, the

Trial by court

case may be tried by the Court without a jury; and in that event it shall not be necessary for the court to appoint an attorney to represent said defendant. *And provided further*, that no trial of an action for divorce shall be had until after the expiration of thirty days from the filing of the complaint with the clerk of the court.

No trial for
thirty days
from filing
complaint

Section 9. Every action for divorce that is contested shall be tried to a jury consisting of not less than three jurors, and when such case comes on for trial the court shall call a jury consisting of six jurors, unless the parties agree in open court to a jury of three jurors; and either party may have such additional jurors called as he may demand but not more than enough to make the jury consist of twelve jurors. If a party demands additional jurors he shall immediately, and before such additional jurors are called, pay the clerk of the court two dollars for each additional juror so demanded and any money so received by the Clerk shall be used by him in the payment of the fees of such additional juror.

Number of
jurors

The court shall submit to the jury, if the case is tried to a jury, the question of the guilt or innocence of the defendant of each and every of the causes for divorce charged against the defendant in the complaint; and in case of a cross-complaint the court shall submit to the jury the question of the guilt or innocence of the plaintiff of each and every of the causes for divorce charged in the cross-complaint against the plaintiff.

Court submit
question of
guilt or
innocence
to jury

Section 10. Within forty-eight hours after the return of a verdict of a jury in favor of either party, if the case is tried to a jury, or within forty-eight hours after the denial of a motion for a new trial where a motion for a new trial has been filed, or within forty-eight hours of the close of the trial of the case if tried to the court, the court shall make and sign written findings of fact and conclusions of law in the case, and shall cause the same to be filed with the clerk of the court. No decree of divorce shall be granted until the expiration of six months from

Court shall
make written
findings of fact
and law

No decree
signed for six
months

the day on which such findings of fact and conclusions of law were filed by the clerk of the court and any divorce granted before the expiration of the said six months shall be null and void; *provided, however*, that the death of either party before the expiration of the said six months after the finding of facts shall operate automatically so as to grant immediate and absolute divorce to the party to whom the divorce might have been granted had the full period of six months expired.

Absolute
divorce granted
in case of
death

At any time before the expiration of the said six months either party shall have the right to appear by a verified petition and apply to the court for an order to set aside the said findings of fact and conclusions of law, and for a new trial of the action, and if upon a hearing of said petition the same shall appear to the court to be sufficient, the court may set aside the said findings of fact and conclusions of law and grant a new trial of the action. If said petition is denied the filing thereof and the hearing thereon shall not delay or extend the time within which a decree of divorce might be granted, but the court shall not grant a decree of divorce while such petition is unheard and undecided.

Petition to set
aside findings
filed within six
months

When new trial
ordered

Decree not
signed while
petition
undisposed of

When decree of
divorce given

If the findings of fact and conclusions of law have not been set aside within six months from the day on which they were filed, and no motion to set them aside remains unheard and undecided, the court shall grant a divorce to the party entitled thereto according to the said findings of fact and conclusions of law. Nothing in this act shall be construed so as to prevent either party to said action from remarrying to any person at any time after the entry of a final decree of divorce as herein provided.

Collusion or
agreement

Effect

Section 11. If it shall appear to the Court in any case that any collusion or agreement between the parties has been entered into, upon which agreement or collusion the injury or offense complained of shall have been committed for the purpose of obtaining a divorce, the court shall fully investigate the same and if the court finds that

such agreement or collusion has been entered into, the action shall be immediately dismissed and the costs thereof shall be taxed against the husband.

Section 12. Appeals may be taken to the District Court from any judgment or decree of a County Court in any action for divorce in the manner provided by law for such appeal in civil actions. No appeal shall be taken or allowed to the Supreme Court from any judgment or decree of any court in an action for divorce. No writ of error shall be taken or allowed or prosecuted from the Supreme Court to review a judgment or decree of any court in an action for divorce, except at the time and in the manner hereinafter set forth, to-wit: If the party against whom a decree of divorce has been granted shall file, within five days from the day on which such decree was granted, with the clerk of the court a written notice that he or she will apply within sixty days from the date of said decree to the Supreme Court, for a writ of error to review the said decree then a writ of error may issue from the Supreme Court on proper application therefor within sixty days from the date of said decree but not thereafter, to review any and all of the proceedings and decree of the trial court.

Appeals

Writ of error

Procedure

Section 13. Any and all acts and parts of acts of any General Assembly of the State of Colorado which are in conflict with this act are hereby repealed; except, that all actions for divorce which have been commenced when this act takes effect may be conducted to final judgment under the law as it existed immediately before this act became effective.

Repealing
clause

Approved: April 6, 1917.

CHAPTER 66.

DRUGS

SALE OF HABIT-FORMING AND NARCOTIC DRUGS
RESTRICTED

(H. B. No. 371, by Mr. Lucero)

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO REGULATE THE SALE, BARTER, EXCHANGE, DISTRIBUTION, DEALING IN, GIVING AWAY, DISPENSING, OR THE DISPOSITION IN ANY MANNER OF OPIUM OR COCA LEAVES, THEIR SALTS, DERIVATIVES OR PREPARATIONS, TO REGULATE THE TREATMENT AND TO PROVIDE FOR THE COMMITTAL OF THE HABITUAL USERS OF SUCH DRUGS, AND FOR OTHER PURPOSES," APPROVED APRIL 9, 1915, CONCERNING NARCOTIC AND HABIT-FORMING DRUGS, SO AS TO INCLUDE CANNABIS INDICA AND CHLORAL HYDRATE.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. Section One of an act entitled "An act to regulate the sale, barter, exchange, distribution, dealing in, giving away, dispensing, or the disposition in any manner of opium or coca leaves, their salts, derivatives or preparation, to regulate the treatment and to provide for the committal of the habitual users of such drugs, and for other purposes," approved April 9, 1915, (Session Laws 1915, page 208) is hereby amended to read:

Sale of opium,
coca leaves,
cannabis indica,
etc., restricted

"Section 1. That it shall be unlawful for any person, to sell, barter, exchange, distribute, give away or in any manner dispose of, at retail or to a consumer, opium, coca

leaves, cannabis indica, chloral hydrate or any compound, manufacture, salt, derivative, or preparation thereof, within this state, except upon the original written prescription of a duly licensed physician, and pursuant to all the requirements of this act."

Section 2. Section Two of an act entitled "An act to regulate the sale, barter, exchange, distribution, dealing in, giving away, dispensing, or the disposition in any manner of opium or coca leaves, their salts, derivatives or preparation, to regulate the treatment and to provide for the committal of the habitual users of such drugs, and for other purposes," approved April 9, 1915 (Session Laws 1915, page 208) is hereby amended to read:

Act amended

"Section 2. That the provisions of this act shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing or the disposition in any manner, or the possession, within this state, of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or more than one-half grain solid extract or its equivalent of cannabis indica, or more than five grains of chloral hydrate, or any salt or derivative of any of them in one fluid ounce; or, if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments and other preparations, which contain cocaine or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them; *provided*, that such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intendment and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves or preparations made therefrom;

When this act
is not ap-
plicable

If sold in good
faith

or to other preparations of coca leaves which do not contain cocaine."

Safety clause

Section 3. The General Assembly hereby finds, determines and declares that this act and each and every sentence, phrase, clause, section and subsection thereof is necessary for the immediate preservation of the public peace, health and safety.

Approved: April 17, 1917.

CHAPTER 67

ELECTIONS

REGISTRATION OF ELECTORS

(S. B. No. 387, by Senator Coltman)

AN ACT**CONCERNING THE REGISTRATION OF QUALIFIED ELECTORS.***Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. No person shall hereafter be permitted to vote at any primary, or general or special election provided for by law, whether national, state, district, county or city, for candidates for office, or upon constitutional or charter amendments, or public franchises or the issuance of bonds, or other questions, matter or measure submitted to the vote of the qualified electors, held in any election precinct included wholly or in part within the limits of cities with a greater population than 2000 inhabitants, and not exceeding 5000 inhabitants, without first having been registered within the time and in the manner and form required by the provisions of this act; *provided*, that this act shall not apply to elections concerning schools.

Registration
of voters in
cities of from
2,000 to 5,000
population

Section 2. The words and phrases of this act, unless the same be inconsistent with the context, shall be construed as follows:

School elections
excepted

(a) The words "Registration Committee" to mean the three persons provided to be appointed by this act; a "majority" of the registration committee to mean two members thereof.

Definitions

(b) The words "County Clerk" to mean the County Clerk and Recorder of each County.

(c) The population of the cities shall be determined by the latest Federal census.

(d) The words "County Commissioners" to mean the Board of County Commissioners of each county.

(e) In computing time for any act to be done before any election, as provided hereunder, the first day shall be included, and the last, to-wit, election day, shall be excluded. If the time for any act to be done, as provided herein, shall fall on Sunday or a legal holiday, such act shall be done upon the day following such Sunday or legal holiday, and such Sunday or legal holiday shall not be included in any given number of days designated as the time in which any act is to be done or performed, as provided in this act.

(f) The words "election," or "election day," mean any election within the provisions of this act, other than a primary.

(g) The words "preceding election" mean the last election, except a primary, held for candidates for office which was within the provisions of this act and irrespective of whether it was a similar election or not.

(h) The words "general election" mean any general state, county or city election for the election of officers, but not a primary.

Registration
districts

Section 3. The Board of County Commissioners of any county wherein any such city is situate, is hereby directed to group into Registration Districts a number of election precincts not less than three nor more than twelve in each Registration District. In each Registration District there shall be appointed, as herein provided, three qualified electors of said district to be called the "Registration Committee."

Registration
Committee

Section 4. The Registration Committee shall, in accordance with the provisions hereof, be appointed by the

County Clerk for each of the said Registration Districts in the county, on the first Tuesday in July, 1918, and upon the same day every two years thereafter, in the manner herein provided, and the County Clerk shall make and file in his office a list of each and all persons so appointed, their names, business, postoffice and residence addresses.

Appointment
by County
Clerk

Section 5. Between the first day of May and the third Tuesday in June, 1918, and during said period every two years thereafter, the County Chairman of each of the two political parties in each county having cast the highest and the next highest number of votes for Governor at the last general election for state officers, shall, in accordance with the provisions hereof, certify to the County Clerk the names of not less than three nor more than six qualified electors in each of the Registration Districts in such city, together with the postoffice, residence and business address of each of such persons so certified. Each Chairman shall also certify that at least two of the persons named are willing to serve upon the Registration Committee in their Registration Districts respectively. Each County Chairman shall designate the order of his choice of such names for service upon the Registration Committee in each district, and the persons so first designated by the County Chairman shall be chosen by the County Clerk as members of the Registration Committee. The third member of said Registration Committee shall be chosen by the said County Clerk from the list of names submitted to him by the respective Chairmen from one of the lists. If for any reason any one selected to act upon the Registration Committee refuses, fails or is unable to act at any time within forty-eight hours before the date of registration for any election or primary, it shall be the duty of such member of the committee, or any member of the committee, to notify the County Clerk, whereupon the County Clerk shall forthwith, by the most speedy and convenient method, notify the County Chairman of the political party to which such member belongs, whereupon it

County Chairman to certify
names, etc., to
county clerk

Chairman to
designate his
choice

Filling of
vacancies

shall be the duty of the County Chairman of such political party forthwith to designate to the County Clerk the name of some other elector in such Registration District to act in the place of such person. If it is impossible to notify such County Chairman of any such vacancy in the committee, during the time of registration two members of such committee shall perform the duties of such committee until such vacancy is filled as provided herein. If there shall not be a majority of such committee remaining, in such contingency the County Clerk shall designate to act upon such committee, pending the filling of such vacancy as provided herein, some qualified elector in said Registration District belonging to the party entitled to such representation, so as to constitute a majority of the Registration Committee; *provided, however*, that the County Clerk must designate some person who was originally named by the County Chairman in the list submitted as herein provided, if any such person be willing to act. If there be no County Chairman in any county, so that there can be no specific compliance with the provisions of this act, as to appointment of Registration Committees, the County Clerk shall make such appointments as near in compliance with the intention of this act as possible, obtaining such lists of names from Precinct Committeemen of such party, if any, and if not, then selecting representatives of such political organization as may be entitled to representation on said committees.

County Clerk
to appoint
registrars
where there is
no chairman

County Clerk
to issue
certificates to
committee

Contents of
certificate

Section 6. Within five days after the time provided herein for the designation and appointment by the County Clerk of the members of such Registration Committee, it shall be the duty of the County Clerk to issue three certificates, under his official seal, certifying to the appointment of such committees in the district as provided herein. Such certificates shall contain the name, business, postoffice and residence address of the members of such committee in each registration district, with a statement under the seal of the Clerk that they were selected by him in accordance

with the provisions of this act, one of which certificates shall be mailed by the County Clerk to each of the members of such committee, addressed to his postoffice address. It shall also be the duty of the County Clerk within the said five days to transmit by mail to each of the respective County Chairmen of the two principal political parties aforesaid, a true, exact and certified copy of the list of members of the Registration Committee appointed as herein provided. The original of such lists, on file in the office of the County Clerk, and other registration lists of names and election records, shall be public records, and subject to inspection and examination, during office hours, by any elector of the state, and to the right to make copies thereof.

Certified copy
of list of regis-
trars to be
given chairmen

Public records

Section 7. With the certificates transmitted or delivered by the County Clerk to the members of the Registration Committee in the Registration Districts respectively, there shall be enclosed the form of oath hereinafter set forth, which shall be filled out and signed by each member of such committee, and returned and filed in the office of the County Clerk within five days after the date of receipt of such form of oath by said Registration Committee, and it shall be a public record. The oath to be taken and subscribed by the members of the Registration Committee shall be substantially as follows:

Blanks of oath
to be sent
committee

Form of oath

I, do solemnly swear (or affirm) that I am a citizen of the United States and the State of Colorado, of the County of....., City of.....; that I have resided within the limits of the Registration District for which I have been appointed for at least six months last past; that I am a bona fide member of the.....party; that I will faithfully perform the duties required of a member of the Registration Committee in the City of....., County, Colorado, according to law; that I will not wrongfully omit from registration the name of any qualified elector; and that I will not

knowingly register any one who is not legally entitled to register, so help me God.

Oath a qualification of member of committee

The oath provided in this act shall be taken before any person authorized to administer oaths. No person shall be qualified as a member of such Registration Committee except in case of vacancy within forty-eight hours before date of registration, or as otherwise provided in this act, until such oath has been duly subscribed, sworn to or affirmed, and filed as herein provided. If any person selected to act upon the Registration Committee shall fail to subscribe, swear to or affirm and file such oath or affirmation as herein provided, within five days from the time of his appointment, the County Clerk shall forthwith notify the County Chairman of the political party who may have designated, or who may have been entitled to designate such member of the Committee, and upon the failure of such person to comply with this section within forty-eight hours thereafter, such failure shall constitute a vacancy. In the case of a person properly designated as Registration Committeeman as herein provided, or appointed to fill a vacancy where no person authorized to administer oaths is available, it shall be deemed sufficient for the different Registration Committeemen to administer the required oath, one to another.

Registration Committeemen may swear in each other

Each member of the Registration Committee shall receive as compensation for his services the sum of \$3.50 per day for each day actually and necessarily employed in the performance of his duties. Necessary clerks employed by the Registration Committee in making copies of lists of registered voters, as herein provided, shall receive as compensation for their services the sum of \$3 per day.

Compensation

Removal of member of committee

Section 8. Any member of the Registration Committee may be removed in either of the following ways:

(a) Upon the filing of a statement with the County Clerk by the County Chairman of the political party in whose behalf said member was appointed, that after in-

vestigation he is of the opinion that his party is not faithfully and fairly represented by said committeeman. Upon the filing of said statement it shall be the duty of the County Clerk to remove such committeeman and forthwith to notify such committeeman of his removal, and the cause thereof; whereupon his successor shall be forthwith appointed as in other cases.

(b) If any member of such Registration Committee has neglected his duty in attending to such registration, or has committed, encouraged or connived at any frauds in connection therewith, or has violated any of the election or primary election laws, or has knowingly permitted others to do so, or has been convicted of any crime, or has violated the oath provided for herein, or has wrongfully hampered or interfered or tends to interfere with the due and regular performance of the duties of the Registration Committee, or any member thereof, or committed any other act which interferes or tends to interfere with carrying out the purposes of this act, to provide a fair and honest registration and election or primary election, or if the appointment of any member is not made in accordance with the provisions of this act, such member may be removed from said committee in the following manner: A brief petition by the person making such charge shall be filed in the District or County Court of the County at any time, setting up in brief and concise language the facts constituting the cause for the removal of such member of the committee; whereupon the court shall issue a citation to such Registration Committeeman, directing him to appear at a time within twenty-four hours thereafter, to answer such petition, if he desires so to do. The court shall proceed summarily to hear and finally dispose of such petition, and within forty-eight hours of the time of the filing of the answer may hear evidence in relation thereto. If the court shall decide that such Registration Committeeman ought to be removed, for any cause stated in the petition, it shall be so ordered,

Petition to
court

Court pro-
cedure

Findings

Vacancy, how filled

and the clerk of such court shall notify the County Clerk thereof forthwith, whereupon the Chairman and County Clerk shall forthwith fill the vacancy as provided herein for original appointments upon such committee. Such petition shall be verified, but the verification may be upon information and belief. Any evidence given by any such accused Registration Committeeman or a witness for petitioner at such hearing, or the result thereof, shall not be used against him in civil, criminal or other proceedings.

Failure to make canvass and return same

(c) Upon the failure or neglect of the members of such Registration Committee, or a majority thereof, to make the canvass and return the same to the County Clerk according to law, or to otherwise perform the duties provided by this act to be performed by such Registration Committee and the members thereof, it shall be the duty of any member of such Registration Committee or any County Chairman of a political party organization, or any elector in the Registration District for which such Registration Committee and each member thereof was appointed, having knowledge of such failure or neglect, to cause proper action for removal to be instituted against such member of said committee. It is also the duty of the County Clerk to take prompt and immediate action in all such cases coming to his knowledge. Any vacancies occurring in such Registration Committee for any cause shall be filled in the same manner, and with like effect, as said committee is provided to be originally constituted and appointed. The validity of any part of the registration already completed, or any other acts done or provided herein, if otherwise legally done, shall not be affected by the removal of a member of such committee, but the same shall be in every respect valid and regular, and the successor of any such person removed or retiring from such committee for any cause, shall proceed with such canvass and the other purposes of such committee, with a like power and effect as though originally appointed as a member of such Registration Committee.

Validity not affected by removals

Section 9. One day prior to the beginning of the district registration the County Clerk shall deliver to the majority of the Registration Committee the permanent books containing the names of all those who are legally on the permanent registration book duly certified.

County Clerk
to deliver
registration
book

Section 10. On the third Tuesday preceding the day of each election, and also on the third Tuesday before the day of each primary election, and from day to day thereafter for not less than three nor more than five days in all, and between the hours of noon and nine o'clock P. M. of each such day, the said Registration Committee shall meet for the purpose of registering duly qualified electors in each of the several precincts of their district. The County Commissioners shall provide a suitable room in each district and all necessary stationery and appurtenances for the use of said Registration Committee. The County Clerk shall, at least two weeks before the date of such registration, give public notice by publication in at least two issues of at least two newspapers belonging to different political parties, of the names of such Registration Committee, and the time and particular place in the District where such registration shall be carried on.

Meetings of
Registration
Committee

Quarters,
stationery,
etc.

Public notice

Section 11. Said Registration Committee shall proceed to complete said registration list in accordance with the provisions of this act, it being the purpose and intent of this act that any elector who has once been registered shall not have to again register, for any primary or other election, unless he shall have failed to vote at the preceding general election, and at such times they shall place on the registration books the names of all qualified electors of their precinct who are not already on the registration books, after the following manner:

Registration
list

First: All who shall present themselves in person for registration and take the form of oath herein provided for, and comply with the provisions of this section respect-

Form of
oath for
elector

ing registration. The form of oath to be so taken shall be as follows, to-wit:

I,, do solmenly swear (or affirm) that at the date of the next ensuing election I shall be of the age of 21 years or over and shall have resided in the State of Colorado at least twelve months, and in the county at least ninety days preceding the said election, and in Precinct..... at least ten days before the election, and that I am a citizen of the United States, and a qualified elector in said precinct.

Elector may register his family and others at same address

Second: Any elector who is already registered, whether by virtue of having voted at the preceding election, or has appeared in person and registered at the time the Registration Committee is sitting, or who has previously been registered at the office of the County Clerk, and who is personally known to the Registration Committee, may register any person or persons to the number of not more than three, or any member of his family, including servants, to any number thereof, who reside and have resided at the same address for at least ninety days last past, by signing such name or names on the list, and thereafter signing his own name as voucher, in the presence of the majority of the Registration Committee, and by making oath as follows:

Form of oath for elector registering others than self

I,, do solemnly swear by the everliving God (or affirm) that I am a citizen of the United States, and a qualified elector in Precinct....., in the County of.....; that I am registered from No..... Street, or Section....., Township....., Range....., and a resident of that address; that, whose names I have caused to be placed on the registered list of qualified voters from the same address in this precinct, reside at such address, and have resided there for ten days last past, and are qualified electors, entitled to be registered

and to vote from such address in such precinct, at the ensuing election.

In all cases where electors are permitted to register by vouchers, the person so vouching for them, as far as known by him, shall furnish the information required of such elector, which shall be filled in the blank spaces provided for that purpose in the registration book.

Information
to be furnished
by vouching
elector

All registration shall be made in ink, and shall be made only in the registration book furnished by the county. Except as herein otherwise provided, each elector registered shall answer the questions concerning all the matter required by Section 12 of this act, and sign his or her name, or if unable to write, make his or her mark, and the answer so made by the elector shall be entered in the registration book by the member of the Registration Committee selected or directed by the committee to make such entries in the proper place, and shall, together with the signature of the elector, be attested by at least one member of the Registration Committee.

Registrations
to be in ink

Illiterate
elector may
make mark

Section 12. It shall be the duty of each qualified elector to be lawfully registered, except as otherwise provided herein, to answer concerning the following matters: (1) Name in full. (2) Whether married or single. (3) Place of residence, which if urban or suburban, shall be located according to its street number, or if there be no street number, then by description of the lot or lots, in the block or blocks, in the addition, division or subdivision into which the land upon which the residence is located is divided; in all other cases the residence shall be located by the section or sections or subdivisions thereof, in the township and range, as established and numbered by the United States government survey. (4) Whether owner of, tenant of, employe of or lodger with occupant of residence. If the voter is a lodger in any rooming house or hotel, the number of the floor and the number of the room shall be given and stated in the registration book. (5) Whether a native born or

Questions to
be answered
by elector
when
registering

naturalized citizen of the United States. If a naturalized citizen, the applicant shall state how naturalized, whether by naturalization of self, parents, or otherwise; applicant shall state, as near as may be to his best knowledge, information and belief, when self, parents, or if female, when husband was naturalized, the place and time of naturalization, and by what court naturalization papers were granted. (6) A description of his person, consisting of his height, sex, age, complexion, color of eyes, and any other physical features by which he may be readily identified. (7) His profession, business or employment. (8) His postoffice address.

Female voter
need not tell
age

It shall only be necessary for a female voter to state that she is twenty-one years of age or over, in answer to all questions relating to her age.

Persons
present at
close of polls
allowed to
complete
registration

Section 13. All persons in the registration place at the hour of closing the registration shall be allowed to complete their registration, and the registration lists shall be kept open after the hour of closing only long enough to allow those actually present at the hour of closing to complete their registration.

Arrangement
of registration
list

Section 14. The registration lists so made shall contain the names of the qualified electors of the voting precinct in which the same are made, alphabetically arranged according to the sur-names, so as to show in one column the name of each elector at full length, and in another the place of his residence, designated by the name or number of the street, and the number of the house, if numbered, and if not, the section or other subdivision thereof, according to United States Surveys, on which such elector shall reside, if he resides on surveyed land, and if not, such description as will best locate his residence.

Duty of
Registration
Committee in
re registration
list

Section 15. Upon completion of such list of registered voters, the Registration Committee shall forthwith, and not later than two days after the last day of district registration, deliver the same to the County Clerk. They

shall also make four copies of the names and addresses of the registered voters, three of which they shall send to the County Clerk with the registration book. The other shall, not later than two days after the last day of district registration, be placed in some conspicuous place as near as practical and convenient to the polling place to be used at the ensuing election, so as to be accessible and convenient to any elector who may desire to inspect the same. Said Committee may employ clerks to assist in preparing the copies of names and addresses of registered voters. It shall be the duty of the County Clerk, upon receipt of the list of names and addresses of the registered voters in the various precincts from the Registration Committee, to forthwith and within twenty-four hours deliver one of said copies to each County Chairman of the two political parties having cast the largest and next largest vote for Governor at the last preceding election, taking his receipt therefor, and retaining the other copy of the list of names and addresses for correction. The Clerk shall correct the retained list of names and addresses received from the Registration Committee in accordance with the original registration book, as it is on the ninth day preceding the election, and forthwith send the same to the member of the Registration Committee representing the political party that cast the second highest vote for Governor at the next preceding election. It shall be the duty of such member of the Registration Committee, forthwith, at least five days preceding the ensuing election, to post the same in the place and stead of the list of names provided to be posted, after the completion of district registration, which list shall be kept posted until after the day of election.

Committee to
post list

County Clerk
to deliver copy
of list to each
county chair-
man

County Clerk
to deliver
corrected list
to members of
Registration
Committee

Corrected list
to be posted

Section 16. Any qualified elector who has been registered, and who, subsequent thereto, shall have removed from the precinct in which he is registered to some other precinct may appear before the County Clerk at any time within a period of not less than five days prior to the

Removal of
elector from
precinct

Change of
registration

day of any election, and upon making oath as to his present residence in said precinct, said County Clerk shall draw a red line through the registration of said voter, making note as follows, in column for "remarks": "Changed....., 19...., to precinctward (or district)....." and shall register in red ink such elector in the registration book for the precinct to which he has moved. Changes from one number in the precinct to another number in the same precinct may be made in the same manner, or may be made on election or primary day by the judges. The County Clerk or deputy making such change shall sign his or her name in the column for the signature of the Registration Committee.

County Clerk
shall strike off
names of
electors who
failed to vote

Section 17. On June first preceding any general election the County Clerk shall compare the above lists of voters who are shown thereby to have voted at the last preceding general election with the original registration for such election, and strike from such original registration the names of all persons who failed to vote at such election, by drawing a red line through their names, and writing thereafter, in the column headed "remarks", the words, "Failed to vote". The registration lists as thus purged shall be the registration for the next ensuing primary election, with the names of such additional persons added thereto as shall, after the completion of said purging, have appeared personally before the County Clerk for original registration or change of registration, not more than thirty nor less than three days before any primary, and complied with the requirements of law respecting registration before the Registration Committee, and said Clerk shall register any qualified elector who shall so appear in person for registration.

Petition to
purge
registration

Section 18. (a) At any time not more than twenty-five nor less than eighteen days before any election or primary election, any qualified voter may file in the County or District Court a petition, which shall be under

oath, alleging that the petitioner has made careful investigation, and believes that names registered by the Registration Committee are illegally or fraudulently registered in certain precincts, which shall be stated. The petition shall set forth consecutively and in alphabetical order each of such names, with the address given in the registration book in each precinct, and the names of the Registration Committee in such precinct. Such petition shall state briefly the facts upon which such charge of illegality or fraud is made. The verification may be upon information and belief. As soon as possible, and within twenty-four hours after the filing of such petition, the Clerk of the Court shall mail to each member of the Registration Committee in such precinct a subpoena in the form following, and shall mail to each name and address alleged therein to be illegal or fraudulent, a notice of the filing of such petition and the time of hearing the same, which shall be not less than three nor more than five days thereafter. The subpoena to the members of the Registration Committee shall be substantially as follows:

Registration
Committee to
be subpoenaed

"You are notified that on the.....day of..... filed in the....., Court a petition asking for the purging of certain names from the registration list in precinct....., ward....., and that it appears from the record that such registration was made by you, and that you have represented it to be legal and correct. The petition charges that the list of names attached hereto in said precinct registered by you are illegal and fraudulent.

Form of
subpoena

You are notified to appear and answer the charges of said petition at the hour of.....o'clock.....M. on the.....day of....., 19...., at the Court, at the court house, in the city of.....

You are further notified that failure to appear, without good or sufficient excuse renders you liable for con-

tempt of court and punishment accordingly, as provided by the registration law.

.....
Clerk."

(Attach list of names and addresses in alphabetical order.)

County to pay
costs

The subpoena shall be issued on the Court's motion and the county shall pay the witness and mileage fees.

Form of notice
to challenged
elector

The notice mailed to the name and address of each person in such precinct mentioned in such petition as being illegally or fraudulently registered shall be substantially as follows:

"You are notified that.....
(stating the official position of such petitioner, if the petitioner should be a County Chairman, member of Registration Committee, or otherwise), has filed a petition in this Court, asking for the purging of the Registration in Precinct....., Ward.....

It is charged in such petition that your name appearing upon the registration lists of such precinct was illegally or fraudulent registered.

You are notified that said cause will be heard at the Court, at the court house in the city of....., at the hour of..... o'clock M., on the..... day of....., 19.....
You are notified that your name will be stricken from such registration list if it shall be proven by the evidence at such hearing that you are not entitled to registration.

.....
Clerk."

Petitioner to
file duplicate
copies for use
of party
chairmen

(b) It shall be the duty of any person filing a petition as herein provided, for the purging of registration, to file therewith two duplicate copies of the same, and it shall be the duty of the Clerk of the Court to immediately deliver or mail to each of the two County Chairmen one such duplicate copy, together with the notice stating that the original of such copy has been duly filed in his office,

stating the time of such filing and the time and place when the cause is set for hearing.

(c) Any person whose name is charged to be illegally or fraudulently registered, who shall appear in person and make oath that he or she is a legally qualified elector to vote in such precinct, or any person not present, whom any one member of such Registration Committee shall make oath in court is a legally qualified elector in said precinct, shall, for the purpose of such hearing, be conclusively entitled to have his name remain upon such registration list. Any person making such oath in open court shall be subject to cross-examination by the petitioner or any person representing the petitioner at such hearing. If any person at such hearing shall testify that any one thus retained upon such registration list by such oath or affirmation is not a qualified elector in such precinct, a record of the fact shall be made and transmitted by the Clerk of the Court to the District Attorney.

Procedure in
ascertaining
fraudulent
registrations

(d) In all cases, except those which shall be conclusively entitled to remain upon the registration lists by reason of the oath or affirmation provided in the last paragraph of this section, the court shall investigate summarily and within forty-eight hours after the close of the evidence determine whether or not such charges are sustained; *provided* only competent legal evidence shall be received on such hearing or considered by the Court, and no name registered in accordance with law shall be struck from the registration unless it shall be so proved that the challenged person is not a qualified voter in the precinct wherein he is registered. No presumption shall be indulged in against any person whose registration is challenged merely because of the failure of such person to attend the hearing. At the close of such hearing the Court shall announce the names in such petition as to which such charges have been sustained, and shall direct the Clerk of the Court to forthwith

Court to de-
termine
charges

Must be guided
by legal
evidence

Names stricken
from list

certify to the County Clerk the lists of names of such persons, with their addresses in each precinct and ward, arranged alphabetically and according to precincts. It shall thereupon be the duty of the County Clerk, upon the receipt of said list from the said Court, to forthwith strike such names from the registration lists in the proper precinct by ruling a red line through such name, with the notation in the column for "remarks", that such name or names were stricken out in pursuance of the order of such Court, giving the date of such order.

False chal-
lenging a mis-
demeanor and
contempt of
court

(e) Any person who shall without previous investigation, or without reasonable cause or excuse, wilfully charge in any petition filed in such Court that the name of any person upon such registration book or lists is illegal or fraudulent, or who shall not file such petition in good faith, or who shall file the same for the purpose of hindering or delaying any registration or any election, and not for the purpose of purging such registration lists of illegal or fraudulent names, shall be deemed guilty of a misdemeanor, and also of contempt of court.

Redress of
person falsely
accused

Any member of the Registration Committee, or any person whose name is charged to be illegally or fraudulently registered, shall have the right to charge by written affidavit filed in such cause, which affidavit may be upon information and belief, that the person filing such petition is not acting in good faith, but has been guilty of any of the acts or improper motives mentioned herein, and if, upon hearing, which shall be at the same time the case is heard on the petition, any of such charges are, in the opinion of the court, sustained such persons shall be guilty of a misdemeanor and of contempt of court.

Hearing
summary and
final

(f) All hearings of any such petition shall be summary, final and not the subject of delay.

(g) No other pleadings than the said petition and affidavit shall be permitted to be filed in any such cause.

(h)• The court shall have the power to subpoena any person or persons as witnesses at such hearing and make any necessary investigation to ascertain the truth of any of the charges in such petition or affidavits, provided the method of such investigation shall not cause unnecessary delay or interfere with the final position of such cause within the time provided for herein.

Court given
power to
investigate

Persons subpoenaed shall be paid by the county the usual witness and mileage fees allowed witnesses for the people in criminal cases in courts of record. The decision of the Court in any such case shall be final, and no appeal shall lie to any other court, except that the Supreme Court may, in the exercise of its discretion, review any such proceedings in a summary way. The penalty for tampering with or destroying such list shall be printed in a conspicuous place on the outside thereof, and the Registration Committee shall adopt reasonable methods for the posting of such list so as to protect it from the weather or theft, and make it accessible to the public at reasonable times, and they shall sign thier names and addresses on the cover of such list.

Witness fees

No appeal
from decision
of court to lie

Protection of
posted registra-
tion list

Section 19. When any registration book or copy thereof is delivered to the County Clerk under any provision of this act, there shall be attached thereto a certificate signed and sworn to by the members of the Registration Committee making the registration contained in such book, certifying substantially as follows:

Registration
Committee to
sign and swear
to list

“We, the legally appointed Committee for the registration of electors for the Registration District composed of Precincts.....do solemnly swear, in the presence of the ever-living God (or affirm) that we have diligently performed the duties required of us by law in completing the registration of voters for said precincts, and have herein entered the names of electors in accordance with the provisions of the statutes of the State relating to the registration of voters, and that as such Registration Committee for the purpose mentioned,

Form of
certification

we did sit at....., in said Registration District, between the hours of noon and nine o'clock P. M. on the.....days of....., for the purpose of registering electors in said precincts, and we have in all respects complied with the law in making the registration of said precincts up to and including the day of this certificate, and we have not knowingly permitted any illegal or fraudulent registration in said precinct.

.....

Committee of Registration for Registration District composed of Precincts.....

Subscribed and sworn to before me this.....day of....., A. D. 19....."

County Clerk
to transfer
names of
registered
electors in new
precincts

Section 20. In case any new election precinct shall be formed, or in case of the division of any voting precinct, the names of all voters residing in that part of any precinct detached shall be forthwith stricken by the County Clerk from the registration list of such precinct, and shall be by him inserted in the registration list of the new precinct, or the precinct to which such part may have been attached, at least ten days prior to the meeting of the registration committee for the ensuing primary or to the fourth Tuesday preceding the general election, as the case may be.

Registration
at County
Clerk's office

Section 21. In addition to original registration by the Registration Committee, original registration may be made at any time up to within three days of any primary or election, by the County Clerk, upon any qualified elector personally appearing before said County Clerk, together with two vouchers who are duly registered electors of the precinct in which said elector desires to be registered.

Section 22. The County Clerk of each county shall be authorized to receive from the county the sum of ten cents for the making of each original registration, and ten cents for each change made therein on the application of any qualified voter, in pursuance of the provisions of this act. A fee of ten cents for each name transferred from one precinct register to another may also be collected from the county by the County Clerk for preparing and completing new registration to conform to the change of boundaries or the establishment of new election precincts.

Fees of
County Clerk

Section 23. It shall be the duty of the County Clerk in any county wherein any such city is situate, at least three days before the day of any primary or election therein, to make full and complete certified copies of the registration lists of the qualified voters in their respective election precincts for use in the holding and conducting of such election or primary upon the day thereof, and deciding who shall be entitled to vote thereat, and to deliver such list to the election judges for the proper precinct one day prior to such election. To each of such copies so delivered to the said election judges it shall be the duty of the County Clerk to attach his certificate, under the seal of his office, setting forth that the said copy contains a full, complete and accurate list of the qualified voters in each such election precinct, as the same appear upon the original registration books on file in his office. It shall be the duty of the board of election judges for each precinct included within any such city for any such election or primary to call in person at the office of the County Clerk one day prior to such election for the purpose of receiving such copy of the registration list. Such registration list shall be furnished to said judges in a sealed envelope, which said envelope shall not be opened until the morning of election day, at the polls, in the presence of the judges. Said copy shall be delivered to two judges, one belonging to the political party

County Clerk
to make
certified copies
of registration
list for use at
primary
elections

Judges to call
in person for
list

which cast the highest number of votes in the last similar election in said county, and the other belonging to the party which cast the next highest number of votes at said election, and both such judges shall receipt to the County Clerk for such copy of the registration lists, and they shall receive mileage for such services at the rate of 10 cents per mile for each mile actually traveled. The County Clerk shall be allowed a fee of ten dollars for each precinct for which he shall furnish such copy of the registration list, to be paid by the county. Any voter whose vote is rejected because of any error in transcribing the official register shall be entitled to vote upon producing to the judges of election a certified copy of his registration, showing his right to vote.

Clerk's fee for
preparing list

Supplies

Section 24. The Board of County Commissioners in each county from time to time as may be required by this act, shall provide for all election precincts all necessary supplies and registration books, which shall be of sufficient strength and durability for the registration provided for; such books shall be of convenient size and shape, conforming in the printing and blank spaces to the requirements of this act, and shall be arranged for the registration of names in divisions to be composed of ruled columns with appropriate headings under the information obtained or required by the Registration Committee concerning the proper answers and statements made by each elector in being registered in compliance with the act, shall be recorded. The names of the electors as registered shall be numbered under each division, consecutively from one upwards, and the date of registration shall also be recorded. There shall also be ruled columns under each one of said divisions for the signature of electors for informants as to their qualifications and the name or names of the Registration Committee; also a column with the heading, "Registration Changed From" and sub-headings, "Election Precinct No.....", and "Register No.....", whereunder in all cases of

Registration
books

Arrangement

changed registration or change of residence of any elector shall be stated the election precinct and registry number of elector's last registration. There shall also be a ruled column "Remarks", under which shall be briefly noted any important information affecting the registry of the elector.

Section 25. It shall be the duty of the County Commissioners to supply and the County Clerk of each county to see that there is delivered, whenever required for any primary election, for the use of the Registration Committee, all necessary supplies as may be required under the provisions of this act for the registration of voters, and he shall deliver the same to the member or members of the Registration Committee authorized to receive the same at least one day prior to the first meeting of the Registration Committee for making any registration required by this act.

County Commissioners to
arrange for
supplies

Section 26. The County Clerk shall have the right to make any reasonable rules for calling for the registration books and the delivery thereof, and preserving the same from loss, mutilation and alteration, and may issue written instructions to the various Registration Committees as to the method of entering in their books the names of electors in accordance with the provisions of this act.

Clerk may
make rules
in re registra-
tion books

Section 27. Whenever the permanent registration book for any precinct has been so filled that the same cannot be longer conveniently used for additional registration, an additional permanent registration book may be supplied for said precinct, or the names may be copied by the County Clerk upon a larger book to be provided by the County Commissioners for that purpose.

Additional
registration
book

Section 28. In city elections all matters relating thereto and required to be done hereunder, shall be performed by the city officers as now provided by law; the Registration Committee for the city election shall consist of the board of election judges of each precinct, to be

Registration
Committee for
city elections

Procedure

appointed by the city council as now provided by law. The said Registration Committee shall meet on the third Tuesday before each primary or election for the purpose of registering electors, and continue in session for at least three days and not more than five days. Changes in registration may be made by said Registration Committee or by the City Clerk, in the same manner as herein provided, by the Registration Committee or the County Clerk, at general elections. All registration books and supplies are to be furnished at the expense of the city and the City Clerk is to be the custodian of all registration books and to have the same powers and duties that are herein conferred upon the County Clerk at general elections. All rules in regard to manner of registering of electors, purging of lists, and challenging of the registration herein shall be applicable to city elections.

**Registration
watchers**

Section 29. The Chairmen of the two political parties casting the highest and next highest vote for Governor at the last preceding election may name a watcher at the registration in any Registration District. Each watcher shall have the right at any time to appoint an alternate to take his place, with all the rights and duties of such watcher, to act during such time as such watcher may be absent; and it shall be the duty of the Registration Committee to protect such watchers or their alternates or representatives in all the rights guaranteed them by the statutes of this state. Such watchers must be electors of the Registration District.

**Penalty for
violation**

Section 30. Any person who shall violate any of the provisions of this act or in any manner interfere with or impede the due and proper carrying out of the same, whether by act of commission, or by failure to perform any act or duty imposed or required for the proper administration of this act, or who shall knowingly permit or encourage another so to do, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than \$25 nor

more than \$500, or shall be imprisoned in the county jail not less than one month nor more than one year, or any such person may be punished by both such fine and imprisonment.

Section 31. Any person who shall falsely and corruptly make any oath provided for by this act shall be deemed guilty of perjury, and punished accordingly. Perjury

Section 32. Sections 1 to 31 hereof, both inclusive, shall apply only to election precincts included wholly or in part within the limits of cities with a greater population than 2000 and not exceeding 5000 inhabitants. In all other election precincts in this state the registration of electors for general or primary elections shall be made as now provided by law. Localities affected by act

Section 33. This act shall be liberally construed, so that all qualified electors shall be registered, and that those who are not legal electors may be kept from such registration, and that fraud and corruption in elections may be prevented, and these purposes shall not be defeated by any informality or failure to comply with the provisions of this act as to any notice required by this act. Liberal construction

Section 34. Chapter 8 of the Laws of 1894, approved March 2, 1894, and all acts and parts of acts inconsistent with this act, are hereby repealed. Act repealed

Approved: April 19, 1917.

CHAPTER 68.

ESTATESAPPRAISEMENT OF REAL ESTATE

(H. B. No. 464, by Mr. Crowley)

AN ACT

RELATING TO ESTATES OF DECEASED PERSONS, INSANE
PERSONS, MENTAL INCOMPETENTS, FEEBLE-MINDED
PERSONS AND MINORS.

Be It Enacted by the General Assembly of the State of Colorado:

Acts amended
and repealed

Section 1. That Section 18 of an act entitled, "An Act in relation to the mortgaging and sale of the real estate belonging to the estates of deceased persons, persons mentally incompetent, and minors, and to provide for the method and procedure of the mortgaging and sale thereof, and to repeal Sections 7168 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7182, 7196, 7197, 7198, 7199, 7200, 7201, 7202, 7203 and 7204 of the Revised Statutes of Colorado of 1908; also to repeal Sections 2, 3, and 4 of an act to amend an act entitled an act in relation to probate matters, including estates of minors, deceased persons and persons mentally incompetent, and the administration thereof, and to repeal certain acts in relation thereto, approved April 9, 1903; the same being Chapter 157 of the Revised Statutes of Colorado of 1908, entitled "Wills and Estates," be amended as follows: Approved May 1st, 1913, at 10:34 o'clock P. M.; and to repeal all acts or parts of acts in conflict here-

with," approved April 12, 1915, be and hereby is amended to read as follows, to-wit:

Section 18. No sale of real estate shall be ordered by the court until such real estate shall have been appraised by from one to three appraisers, in the discretion of the judge of the county court, in the same manner as is by law prescribed for the appraisement of personal property, and such appraisement has been returned into and approved by the county court. Warrants for the appraisement of real estate shall be issued, and the appraisers shall take an oath for the faithful performance of their duties, in the same manner as by law prescribed for the appraisement of personal property. In case of continuance of the sale for more than one year, an additional appraisement shall be made before such sale. No real estate shall be sold at private sale for less than the appraised value thereof, or in case of reappraisement as herein provided, for not less than the reappraised value thereof, nor shall the personal representative become the purchaser of the premises sold.

Appraisement
and sale of
real estate

Approved: March 30, 1917.

CHAPTER 69.

ESTATESDISPOSITION OF ALLOWANCES OF HEIRS

(H. B. No. 455, by Mr. Gallegos)

AN ACT

RELATING TO ESTATES OF DECEASED PERSONS, INSANE PERSONS, MENTAL INCOMPETENTS, FEEBLE-MINDED PERSONS AND MINORS.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That "an act in relation to the application of real estate of a deceased person to the payment of widow's and orphans' allowance," approved March 2nd, 1907, be and hereby is amended to read as follows, to-wit:

Disposition of allowances

Section 1. If, in the administration of the estate of any deceased person, it shall appear to the court that the deceased left him surviving a widow or an orphan, minor child or children, entitled to the allowance made for widows or orphan children by the probate statutes of the State of Colorado, and that personalty is not sufficient to pay such allowance, and that the value of the real estate is not more than sufficient to pay the balance of such allowance, such value to be determined by an appraisal thereof as in case of an application to sell the real estate to pay the debts of the estate, and that there are no claims against said estate superior to such allowance, the court may, at any time after the expiration of the six months allowed for the filing of claims and prior to the final settlement of the estate, enter a decree awarding such

real estate to such widow or orphan minor child or children, in lieu of ordering the property sold for the purpose of paying such allowance.

Section 2. This act shall not apply to or affect the **Exceptions** estate of any person whose decease had occurred prior to the passage and approval hereof.

Approved: March 30, 1917.

CHAPTER 70.

ESTATESDUTIES OF GUARDIANS, CONSERVATORS, ETC.

(S. B. No. 80, by Senator Knauss)

AN ACT

RELATING TO THE ESTATES OF DECEASED PERSONS, INSANE PERSONS, MENTAL INCOMPETENTS, FEEBLE-MINDED PERSONS, AND MINORS; AND TO AMEND SECTIONS 8 AND 9 OF CHAPTER 173 OF THE SESSION LAWS OF COLORADO, 1915, APPROVED APRIL 12, 1915; AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 8 of an Act entitled, "An Act relating to the Estates of Deceased Persons, Insane Persons, Mental Incompetents, Feeble-minded Persons and Minors," approved April 12, 1915, the same being Chapter 173 of the Session Laws of Colorado, 1915, be and hereby is amended to read as follows; to-wit:

Section 8. That Section 123 of an act entitled, "An act in relation to probate matters, including estates of minors, deceased persons and persons mentally incompetent, and the administration thereof, and to repeal certain acts in relation thereto," approved April 9, 1903, be and hereby is amended to read as follows:

Section 123. Whenever any letters testamentary or of administration or of conservatorship have been granted, it shall be the duty of every executor, administrator and

conservator, he having first obtained an order of the court therefor, to fix on a day certain at a term of the county court, within three months from the date of the granting of his letters, for the adjudication of all claims against the estate of his decedent or ward, and give notice thereof, by publication at least once a week for four successive weeks in some daily or weekly newspaper, designated by him or his attorney therefor, printed in whole or in part and published in the county wherein such administration is had, or if there be no such newspaper, by posting such notice in five public places within such county, which notice may be in substance as follows, appropriately filling in the several blanks, viz:

Adjustment
Day

Notice of ad-
justment day

Estate ofDeceased
No.....

Form of notice

All persons having claims against said estate are hereby notified to present them for adjustment to the County Court of.....County, Colorado, on the.....day of.....19....

.....
.....
(Title of person giving notice.)

Section 2. That Section 9 of an act entitled, "An Act Relating to the Estates of Deceased Persons, Insane Persons, Mental Incompetents, Feeble-minded Persons and Minors, "approved April 12, 1915, the same being Chapter 173 of the Session Laws of Colorado, 1915, be and hereby is amended to read as follows:

Act amended

Section 9. That Section 149 of an Act entitled, "An Act in relation to probate matters, including estates of minors, deceased persons and persons mentally incompetent, and the administration thereof, and to repeal certain acts in relation thereto," approved April 9, 1903, be and hereby is amended to read as follows:

Section 149. If any executor, administrator or conservator desires to make final settlement of his administra-

Final settle-
ment

Order

tion, he, having first obtained an order of court therefor, shall give notice thereof by publication at least once a week for four successive weeks in some daily or weekly newspaper, designated by him or his attorney therefor, printed in whole or in part and published in the county wherein administration is had, or if there be no such newspaper, by posting such notice in five public places in such county, which said notice may be in substance as follows, appropriately filling in the several blanks, viz:

Form of notice

Estate of Deceased,
No.

Notice is hereby given that on the.....day of.....
....., 19...., I will present to the County Court
of.....County, Colorado, my accounts
for final settlement of administration of said estate, when
and where all persons in interest may appear and object
to them, if they so desire.

.....
.....
(Title of person giving notice.)

Final settle-
ment by
guardian or
conservator

In case of the discharge of any guardian or conservator, upon his ward reaching his majority or being restored to mental competency, such notice of final settlement shall be served upon such ward personally, or in such manner as the court may direct, at least four weeks prior to the day set for such settlement, and in the case of the death of any minor under guardianship, or of any mentally incompetent person under conservatorship, such notice shall be served as aforesaid upon the administrator or executor of the estate of such deceased person; *provided*, that the administration of the estate of a mental incompetent who has been committed to the Colorado Insane Asylum shall not be closed if said estate is solvent until there is filed in such estate a certificate from the superintendent of the Colorado Insane Asylum stating that all claims of the State for the care of such mental incompetent have been paid. Upon the day set for any final settlement, the court

Estates of
mental incompetents
committed to
asylum

may continue the hearing to a future day. If in any case of a testamentary trust it shall appear to the county court that it was the intention of the testator that the court should not continue the administration of the estate after the payment in full of all debts and legacies except the trust fund or property, such court may proceed to final settlement of such estate as in other cases and order the trust fund or property to be turned over to the trustee as such; otherwise such testamentary trustee shall have the powers and be subject to all liabilities and duties of executors, and the court shall retain jurisdiction of such estate until such trust shall be fully executed.

Testamentary
trust

Jurisdiction of
court over

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause

Approved: March 31, 1917.

CHAPTER 71.

ESTRAYS
METHOD OF ADVERTISEMENT

(H. B. No. 68, by Mr. Furrow)

AN ACT

TO AMEND SECTION 6429 OF THE REVISED STATUTES OF COLORADO FOR 1908, CONCERNING ESTRAYS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 6429 of the Revised Statutes of Colorado for 1908 be and the same is hereby amended so as to read as follows:

Section 6429. If the secretary of the State Board of Stock Inspection Commissioners shall be unable to determine from the records and description who is the owner or probable owner of such stray or estrays, he shall at once cause an advertisement to be published in the official state live stock paper for two consecutive weeks, giving a description of said animal or animals, shall state when and where the same were taken up and shall give notice that unless said animal or animals are claimed by the legal owner within ten (10) days after the last publication of said notice, then the same shall be sold by the State Board of Stock Inspection Commissioners for the benefit of the owner when found.

Provided, That in addition to publishing said advertisement in the official state live stock paper the said state board shall cause a similar advertisement to be published twice in some paper in the county where said animals were taken up.

Approved: April 10, 1917.

Advertisement

Disposition

Additional
advertisement

CHAPTER 72.

FEES AND SALARIES
COUNTY SUPERINTENDENTS OF SCHOOLS

(H. B. No. 71, by Mr. Best)

AN ACT**CONCERNING FEES AND SALARIES OF COUNTY SUPERINTENDENTS OF SCHOOLS.***Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. For the purpose of regulating the amount of compensation for County Superintendents of Schools, the counties of the state are divided into seven classes, as follows:

First class shall consist of the counties of Boulder, El Paso, Larimer, Las Animas, Pueblo and Weld. Classification
of counties

Second class shall consist of the counties of Fremont, Garfield, Mesa and Otero.

Third class shall consist of the counties of Adams, Chaffee, Crowley, Delta, Gunnison, Huerfano, Jefferson, Logan, Montrose, Morgan, Prowers and Routt.

The fourth class shall consist of the counties of Alamosa, Arapahoe, Baca, Bent, Cheyenne, Clear Creek, Conejos, Costilla, Douglas, Eagle, Elbert, Gilpin, Kiowa, Kit Carson, Lake, La Plata, Lincoln, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, San Miguel, Saguache, Teller, Washington and Yuma.

The fifth class shall consist of the counties of Archu-

leta, Custer, the City and County of Denver, Grand, Jackson, Moffat, Montezuma, Sedgwick and Summit.

The sixth class shall consist of the counties of Mineral and San Juan.

The seventh class shall consist of the counties of Dolores and Hinsdale.

Salaries

Section 2. The County Superintendents of Schools shall receive an annual salary, payable monthly out of the county treasury, as follows: In counties of the first class, an annual salary of two thousand eight hundred dollars (\$2,800); in counties of the second class, two thousand dollars (\$2,000); in counties of the third class, one thousand five hundred dollars (\$1,500); in counties of the fourth class, one thousand one hundred dollars (\$1,100); in counties of the fifth class, nine hundred dollars (\$900); in counties of the sixth class, five hundred dollars (\$500); in counties of the seventh class, one hundred dollars (\$100).

**Mileage
allowed**

Section 3. The Board of County Commissioners shall also allow the County Superintendents mileage not to exceed ten cents per mile for the distance necessarily and actually traveled in the performance of duty, not to exceed an aggregate of two hundred dollars (\$200) per annum in counties of the first and second classes, and three hundred dollars (\$300) per annum in all other classes.

**Repealing
clause**

Section 4. Section 2575 of the Revised Statutes of 1908 and all acts in conflict with this act are hereby repealed.

**Emergency
clause**

Section 5. In the opinion of the General Assembly an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved: March 16, 1917.

CHAPTER 73.

FEES AND SALARIES
DISTRICT AND COUNTY OFFICERS

(S. B. No. 217, by Senator Lewis)

AN ACT

CONCERNING COMPENSATION, THE SALARIES OF THE CLERKS OF THE DISTRICT COURTS, CLERKS OF THE COUNTY COURTS, SHERIFFS, COUNTY CLERKS, COUNTY TREASURERS, THEIR ASSISTANTS, DEPUTIES AND CLERKS, AND TO AMEND SECTIONS 2568, 2570, 2573 AND 2574 OF THE REVISED STATUTES OF THE STATE OF COLORADO OF 1908, AND AMENDING SECTION 2 OF AN ACT ENTITLED "AN ACT CONCERNING JUDGES AND CLERKS OF THE COUNTY COURTS," APPROVED MAY 8, 1913, AND AMENDING SECTION 1 OF AN ACT ENTITLED "AN ACT CONCERNING THE SALARIES OF SHERIFFS, UNDER-SHERIFFS AND DEPUTY SHERIFFS, AND TO AMEND SECTIONS 2571 AND 2580 OF THE REVISED STATUTES OF COLORADO OF 1908," APPROVED APRIL 8, 1915; AND PROVIDING CERTAIN FEES AND EXPENSES OF THE SHERIFF; PROVIDING FOR THE METHOD OF PAYMENT OF SALARIES OF CERTAIN OFFICERS; CONCERNING THE DISPOSITION OF THE FEES AND EMOLUMENTS AND COMMISSIONS OF CERTAIN OFFICERS; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 2568 of the Revised Statutes of the State of Colorado, 1908, be and the same is hereby amended to read as follows: Act amended

**Compensation
of clerks of
district courts**

Section 2568. The clerks of the district courts shall receive for their services an annual salary to be paid in twelve equal monthly installments, out of the general fund of their respective counties, to-wit:

In counties of the first class, the sum of Thirty-six Hundred Dollars;

Classification

In counties of the second class the sum of Two Thousand, Two Hundred and Fifty Dollars;

In counties of the third class the sum of Eighteen Hundred Dollars;

In counties of the fourth class "A" and in counties of the fourth class "B" the sum of Seventeen Hundred Dollars;

In counties of the fifth class the sum of Twelve Hundred Dollars; provided that the salaries in all fourth and fifth class counties shall be paid out of the fees and emoluments of the office and not otherwise.

Act amended

Section 2. That section 2570 of the Revised Statutes of the State of Colorado, 1908, be and the same is hereby amended to read as follows:

**Compensation
of county
treasurers**

Section 2570. The County Treasurers of the several counties of this state shall receive for their services an annual salary to be paid in twelve equal monthly installments out of the general fund of their respective counties, to-wit:

Classification

In counties of the first class the sum of Forty-six Hundred Dollars;

In counties of the second class the sum of Three Thousand Dollars;

In counties of the third class the sum of Twenty-five Hundred Dollars;

In division "A" of counties of the fourth class the sum of Twenty-one Hundred Dollars;

In division "B" of counties of the fourth class the sum of Seventeen Hundred Dollars;

In the counties of the fifth class the sum of Fifteen Hundred Dollars; *provided* that in all counties of the fifth class having an assessed valuation of less than Three Million Dollars, the County Treasurer shall receive his salary from the fees and emoluments of the office and not otherwise.

Section 3. That Section 2573 of the Revised Statutes of the State of Colorado, 1908, be and the same is hereby amended to read as follows:

Act amended

Section 2573. That the County Clerks in the several counties of this state shall receive for their services an annual salary to be paid in twelve equal monthly installments, out of the general fund of their respective counties, to-wit:

Compensation
of county clerks

In counties of the first class the sum of Forty-six Hundred Dollars;

Classification

In counties of the second class the sum of Twenty-seven Hundred and Fifty Dollars;

In counties of the third class the sum of Twenty-four Hundred Dollars;

In division "A" of counties of the fourth class the sum of Twenty-one Hundred Dollars;

In division "B" of counties of the fourth class the sum of Seventeen Hundred and Fifty Dollars;

In counties of the fifth class the sum of Fifteen Hundred Dollars; *provided* that the salaries in all fourth and fifth class counties shall be paid out of the fees and emoluments of the office and not otherwise.

Section 4. That Section 1 of an act entitled "An Act concerning the salaries of sheriffs, under-sheriffs and deputy sheriffs and to amend Section 2571 of the Revised Statutes of Colorado, 1908," approved April 8th, 1915, be and the same is hereby amended to read as follows:

Act amended

Section 1. That Section 2571 of the Revised Statutes of Colorado, 1908, be and the same is hereby amended to read as follows:

**Compensation
of sheriffs**

Section 2571. The sheriffs in the several counties of this state shall receive for their services an annual salary to be paid in twelve equal monthly installments, out of the general fund of their respective counties, to-wit:

Classification

In counties of the first class the sum of Forty-six Hundred Dollars;

In counties of the second class the sum of Three Thousand Dollars;

In counties of the third class the sum of Twenty-eight Hundred Dollars;

In division "A" of counties of the fourth class the sum of Twenty-three Hundred Dollars;

In division "B" of counties of the fourth class the sum of Seventeen Hundred Dollars;

In counties of the fifth class the sum of Fifteen Hundred Dollars; *provided* that the salaries in all fifth class counties shall be paid out of the fees and emoluments of the office and not otherwise.

**Traveling
expenses**

Sheriffs shall be allowed actual traveling expenses, payable out of the county treasury, upon verified itemized account being presented for the same; in the service of all warrants, capiases, mittimus, commitments, body attachments and court orders, requiring same, not to exceed ten (10) cents per mile in counties not of the first class; *provided, however*, that the actual expenses incurred in service of executions writs of attachment, replevins, restitutions, or other process not hereinbefore mentioned, shall be paid by the party requiring such service. In counties of the first class the under-sheriffs and deputy sheriffs appointed by the sheriff shall be paid a salary; the under-sheriffs the sum of Two Thousand Five Hundred Dollars per annum; and each deputy the sum of Fifteen Hundred Dollars per annum, except the deputy acting as chief clerk, and chief criminal deputy, who shall receive the sum of Eighteen Hundred Dollars

**Salary of under
sheriffs and
deputy sheriffs
of first class
counties**

per annum. In counties of the second class the under-sheriffs and the deputy sheriffs appointed by the sheriff shall be paid a salary out of the general fund of the county, the under-sheriff the sum of Eighteen Hundred Dollars per annum, and each deputy sheriff the sum of Twelve Hundred Dollars per annum. In counties of the third class the under-sheriff and a deputy sheriff appointed by the sheriff shall be paid a salary as herein-after provided, out of the general fund of the county, the under-sheriffs not to exceed the sum of Eighteen Hundred Dollars per annum, and each deputy not to exceed the sum of Twelve Hundred Dollars per annum: *provided, however*, that the bailiffs of the county courts or deputy sheriffs acting in such capacity in counties of the first class, shall receive the same compensation as bailiffs of the district courts or deputy sheriffs acting in such capacities in counties of the first class. The under-sheriff and each and every deputy sheriff shall make to the sheriff a report in writing, under oath, of all fees collected of any description whatsoever, and of all expenditures and necessary expenses pertaining to and relative to the discharge of the duties of his office.

Second class
countiesThird class
counties

Bailiffs

Reports

Section 5. That Section 2 of an act entitled "An Act concerning the salaries of the sheriff, under-sheriff and deputy sheriffs, and to amend Section 2580 of the Revised Statutes of the State of Colorado, 1908", approved April 8th, 1915, be and the same is hereby amended to read as follows:

Act amended

Section 2. That Section 2580 of the Revised Statutes of 1908 shall be, and the same is hereby amended to read as follows:

Section
amended

Section 2580. Deputies and assistants may be employed by the sheriffs, county clerks, county treasurers, county assessors, and county superintendents of schools, *provided* that the salaries in all fourth and fifth class counties shall be paid out of the fees and emoluments

Deputy county
officers

Employment
authorized

How paid

Disposition of
fees and
emoluments

of the office and not otherwise under the direction of the board of county commissioners of said counties, respectively, and the clerk of the District Court and the deputy clerks and assistants of the district courts under the direction of the judge or judges of such courts, and shall be paid salaries out of the general fund of their respective counties, the compensation and time of service to be fixed by the board of county commissioners, the selection of said deputies and assistants to be made by the officer authorized to employ them; *provided*, that the compensation and time of service of the deputy clerks and assistants of the district courts shall be fixed by the judge or judges thereof; and all deputies of the sheriff in every county of the fourth class "B" shall not receive any compensation over and above an amount which remains after the amount of the salary of the sheriff which is paid from the general fund, has been subtracted from the amount of the fees collected by the office of the sheriff; *provided*, that the provisions of this section relating to county superintendents of schools shall apply only in counties of the first class.

Section 6. That the fees, emoluments and commissions earned and collected by the clerks of the district courts, county treasurers, sheriffs and county clerks, when such officers are paid from the general fund of the county as provided in this act, shall be paid quarterly by the respective officers into the general fund of their respective counties, and proper receipts issued therefor by the county treasurers thereof, *provided*, that the Board of County Commissioners of the respective counties shall draw warrants each month for the amount and in payment of the respective salaries of such officers, their deputies and assistants, and the Treasurer of the county upon warrants so drawn shall pay from the general fund of the county such salaries to such officers, their deputies and assistants.

Approved: April 14, 1917.

CHAPTER 74.

FEES OF PHYSICIANS
PROHIBITING DIVISION THEREOF

(S. B. No. 185, by Senator Knauss)

AN ACT

TO PROHIBIT THE DIVISION OF FEES BY PHYSICIANS, SURGEONS, CHIROPRACTORS, MIDWIVES AND CHIROPODISTS, OR THE PAYMENT OF COMPENSATION BY ANY OF THEM FOR PROCURING EMPLOYMENT IN A PROFESSIONAL CAPACITY.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. If any person holding a license to practice medicine, chiropractic, midwifery or chiropody issued by the State Board of Medical Examiners of the State of Colorado, shall divide any fee or compensation received or charged for services rendered by him as a physician, surgeon, chiropractor, midwife or chiropodist, or shall agree to divide any such fee or compensation with any person whomsoever as pay or compensation to such other person either (1) for sending or bringing any patient or other person to such physician, surgeon, chiropractor, midwife or chiropodist for examination or treatment; or, (2) for recommending such physician, surgeon, chiropractor, midwife or chiropodist to any person; or, (3) for being instrumental in any manner in causing any person to employ such physician, surgeon, chiropractor, midwife or chiropodist in his professional capacity; or if any person holding a license to practice

Division of
fees by
licensed
practitioners
prohibited

medicine, chiropractic, midwifery or chiropody issued by the State Board of Medical Examiners of the State of Colorado shall, either directly or indirectly, pay or compensate or agree to pay or compensate, any person whomsoever, either (1) for sending or bringing any patient or other person to such physician, surgeon, chiropractor, midwife or chiropodist for examination or treatment; or (2) for recommending such physician, surgeon, chiropractor, midwife or chiropodist to any person; or (3) for being instrumental in any manner in causing any person to employ such physician, surgeon, chiropractor, midwife or chiropodist in his professional capacity, or if any person holding a license to practice medicine, chiropractic, midwifery or chiropody issued by the State Board of Medical Examiners of the State of Colorado, shall make a joint or lump or gross charge or present a bill or request a payment for a joint or lump or gross account for services rendered by him as a physician, surgeon, chiropractor, midwife or chiropodist or otherwise or shall authorize any other person to make such a joint or lump or gross charge, present such a joint or lump or gross bill or request such a joint or lump or gross payment, without itemizing the amount charged or requested for the services rendered by each physician, surgeon, chiropractor, midwife or chiropodist whose services are included in such joint or lump or gross charge or bill or payment requested, such physician, surgeon, chiropractor, midwife or chiropodist shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) or more than two hundred and fifty dollars (\$250.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and such imprisonment.

Penalty

Non-practitioners
amenable to
this act

Section 2. It is hereby declared to be unlawful for any person to receive, either directly or indirectly, any pay or compensation given or paid in violation of the foregoing section of this statute, and any person who re-

ceives any such pay or compensation shall be punished in the same manner and to the same extent as is provided in the foregoing section of this act for the person giving or paying such pay or compensation.

Section 3. The State Board of Medical Examiners is hereby authorized and empowered, after a hearing held as in other cases, to revoke the license of any physician, surgeon, chiropractor, midwife or chiropodist licensed to practice in this State, who shall violate any of the above and foregoing provisions of this statute, either by paying or agreeing to pay to any other person any portion of any fee hereinabove prohibited or paying or agreeing to pay to any other person any compensation hereinabove prohibited or by receiving any portion of any fee or by receiving any compensation in violation of this act; and it shall not be necessary that any physician, surgeon, chiropractor, midwife or chiropodist shall have been tried on a criminal charge before said board may proceed to try him for any violation of this act, nor shall an acquittal on a criminal charge deprive the board of power and authority to try such physician, surgeon, chiropractor, midwife or chiropodist upon such charge and revoke his license if he be found guilty by said board.

Board of Medical Examiners empowered to revoke licenses for violations of this act

Section 4. It is hereby made the duty of the State Board of Medical Examiners to aid the District Attorneys of this State in the enforcement of this act and all fines collected under this act shall be paid over to the Secretary-Treasurer of the State Board of Medical Examiners and placed in the fund of said board.

Officials charged with enforcement of act

Section 5. If any physician, surgeon, chiropractor, midwife or chiropodist shall in violation of this act, divide or agree to divide any fee or compensation received by him for services rendered in his professional capacity with any person whomsoever, the person who has paid such fee or compensation to such physician, surgeon, chiropractor, midwife or chiropodist may recover the amount unlawfully paid out, or agreed to be paid

Recovery of illegal fees paid

out, by such physician, surgeon, chiropractor, midwife or chiropodist from either the physician, surgeon, chiropractor, midwife or chiropodist who pays or agrees to pay the same or from the person to whom the same has actually been unlawfully paid by an action to be instituted within two years from the date upon which such fee or compensation has been unlawfully divided or agreed to be divided.

Safety clause

Section 6. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency clause

Section 7. In the opinion of the General Assembly an emergency exists and, therefore, this act shall take effect and be in full force from and after its passage.

Approved: April 14, 1917.

CHAPTER 75

FIREMEN'S PENSIONS
STATE FUND CREATED

(H. B. No. 55, by Mr. Mishou and Senator Dunlap)

AN ACT

TO CREATE AND ESTABLISH FIREMEN'S PENSION FUNDS FOR MEMBERS OF REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENTS, REGULARLY ORGANIZED PAID FIRE DEPARTMENTS AND REGULARLY ORGANIZED FIRE DEPARTMENT AID ASSOCIATIONS, THEIR WIVES, DEPENDENT MOTHERS AND DEPENDENT CHILDREN, AND TO CREATE BOARDS OF TRUSTEES OF EACH OF SAID FUNDS IN MUNICIPALITIES IN THE STATE OF COLORADO, AND TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF THE SAME, AND FOR THE MAINTENANCE, MANAGEMENT AND CONDUCT OF SAID FUND.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In every municipality in the State of Colorado wherein is maintained a regularly organized volunteer or paid fire department, or fire department aid association, or in which there may be hereafter organized and maintained such department or association, there is hereby created and established a board of trustees of the firemen's pension fund. Said fund to be derived from the sources and in the manner hereinafter provided. The said fund shall be managed, used and disbursed according to the provisions of this act, and in conformity with the rules and by-laws of said board of trustees.

Board of
Trustees
established

Section 2. The board of trustees of said firemen's pension fund shall consist, except as hereinafter provided,

Membership
of Board of
Trustees

of the mayor, the municipal treasurer, the municipal clerk and one member of the fire department, who shall be elected by that department, and said trustees shall elect from their number a president and secretary. The municipal treasurers shall be ex-officio treasurers of said board and of the funds herein provided for.

Treasurers

**Membership
of board in
cities of first
class**

**Membership
in other
municipalities**

**Powers and
duties**

**Firemen's
Pension Fund
created**

Section 3. In cities having a population of 100,000 inhabitants, or more, the board of trustees provided for by an act of the General Assembly creating and establishing a firemen's pension fund, and approved April 14, 1903, shall have full and complete control and management of the fund herein provided for, and the provision and regulations provided for in said act shall apply, govern and control said board of trustees in said cities, and the care and distribution of said fund. In all other municipalities in the state that now provide by ordinance for a firemen's pension fund and a board of trustees to govern the same, the said board of trustees now existing shall have full and complete control of any such municipality's fund hereinafter provided. In municipalities having a less population than 100,000 inhabitants and not having a pension fund established or a board of trustees to govern the same, the board of trustees herein provided for, created and established, shall make all necessary rules and regulations for managing and discharging its duties, not inconsistent with the provisions of this act, and shall hear and decide all applications for relief, or pensions, under the provisions of this act, and its action on such applications shall be final and conclusive, except that when in its opinion justice demands that said action should be reconsidered, the same may be reversed by said board and a record of said action and all other matters coming properly before said board shall be kept and preserved.

*Section 4. It shall be the duty of the treasurer of the State of Colorado on the 30th day of November of each year to transfer from the state insurance fund one-

*See Governor's Letter of transmission, page 243.

half of the annual tax of two per centum, as computed by the insurance commissioner on all premiums collected from foreign fire insurance companies in this state, to a fund to be known as the firemen's pension fund. At the end of the fiscal year the state auditor shall issue and deliver to the treasurers of all firemen's pension funds of all municipalities entitled to have a firemen's pension fund, his warrants for the amounts provided for in this section, said warrants shall be so drawn that each of said treasurers of said firemen's pension funds shall receive a sum in the same proportion to the total amount to be distributed as the population of the respective municipalities in which said firemen's pension funds are maintained, shall bear to the aggregate or total population of all municipalities in said state having such firemen's pension funds. The distribution herein provided for shall be made annually and at the end of each fiscal year, and shall be apportioned accordingly to the population of each municipality as shown by the preceding United States Decennial Census, taking into consideration only those municipalities entitled to the benefit of this act and, *provided*, that the benefit of this act shall extend only to those firemen's pension funds organized in municipalities that may have in serviceable condition for fire duty, fire apparatus and equipment belonging to said municipalities of the value of not less than one thousand dollars (\$1,000.00).

Distribution

Municipalities
entitled to
benefits

Section 5. The State Treasurer shall pay, or cause to be paid over all moneys so placed in said firemen's pension fund on warrants drawn as hereinbefore provided to the treasurers of the firemen's pension funds for the use and benefit of the members, their widows, dependent children and dependent mothers, belonging to fire departments or fire department aid associations that are now, or may hereafter be organized in any of the municipalities, of the State of Colorado.

Treasurer
to pay
beneficiaries

Moneys con-
tributed to
fund

Section 6. In addition to the moneys to be transferred from the state insurance department as herein provided for, such pension fund may consist of:

First—All moneys that may be given to such board or fund by any person or persons for the use and purpose for which such fund is created. And such board of trustees may take by gift, grant, devise, or bequest, any money, personal property, real estate or interest therein as trustees for the uses and purposes for which the fund is created.

Second—Of all moneys, fees, rewards, or emoluments, of every nature and description that may be paid or given to said departments or any of the members thereof.

Disability of
fireman

Section 7. If any member of any paid fire department, while in the performance of his duty or by reason of service in such department shall become physically or mentally disabled and such disability shall seem to be a temporary nature, said board of trustees shall retire such disabled person and the said board of trustees shall authorize the payment to such person monthly from the pension fund an amount equal to the monthly compensation paid any such member as salary at the date of such disability; not, however, to exceed a period of one year. For the purpose of determining the physical or mental disability of any such member the board of trustees may personally examine the member or may appoint one or more physicians or surgeons to make an examination of the member and report their findings to the board, which report may be taken into consideration in determining whether said member is physically or mentally disabled. If any member or officer of any fire department shall become mentally or physically disabled so as to render necessary his retirement from service in such department, said board of trustees shall retire such member from service in such department, and he shall receive from the pension fund an amount equal to one-half ($\frac{1}{2}$) of the

Allowance

Examination
for disability

Pensions

monthly salary received by him at the time he shall become so disabled. When any member of such fire department or retired member shall die and leave a widow, dependent mother, or child or children under the age of fourteen years, surviving, the board of trustees shall authorize the payment monthly from the pension fund the sum of thirty dollars (\$30.00) to such widow or dependent mother and to each such minor child until it shall reach the age of fourteen years, six dollars (\$6.00); *provided, however*, that no pension shall be paid to the mother of the deceased member who leaves a widow, and if the widow of any deceased member shall remarry, her pension shall cease. If at any time there should not be sufficient money or other property in said pension fund to pay to each beneficiary the full amount per month to which such beneficiary may be entitled, then and in that event, an equal percentage of such monthly payment shall be made to each until such fund is so replenished as to warrant payment in full to each of such beneficiaries.

Pensions for dependents

Pro-rating in case of shortage

Section 8. After any member of any fire department shall have been retired temporarily by reason of any disability, the board of trustees shall have the right at any time to cause such retired member to be brought before it, and again examined by competent physicians and surgeons, and shall have the right to examine other witnesses for the purpose of discovering whether such disability yet continues and whether such retired member should be continued on the pension roll, not to exceed a period of one year, or reinstated in the service of the fire department, except in case of dismissal, or resignation. Such retired member shall be entitled to notice and to be present at the hearing of any such evidence and may be represented by counsel and shall be permitted to propound any question, pertinent or relevant to such matter, and shall also have the right to introduce evidence on his own behalf. All witnesses so produced shall be examined under oath, and any member of such board of

Re-examination of firemen

Notice

trustees is hereby authorized to administer such oath to such witnesses. The decision of such board shall be final.

Warrants,
how drawn

Section 9. The payment of all pensions shall be made by warrant drawn by the order of the board of trustees on the municipal treasurer, signed by the president and countersigned by the secretary, and no warrant shall be drawn except after having been duly entered on the records and proceedings of the board.

Municipal
treasurer
made custodian
of funds

Section 10. The municipal treasurer in each of the municipalities now having, or which may hereafter have a paid or volunteer fire department or fire department aid association, as herein provided, is hereby made the custodian of all the funds and the moneys belonging thereto. He shall be liable on his bond as such treasurer for the faithful performance of all the duties imposed upon him by the provisions of this act in relation to the firemen's pension fund and for the faithful accounting of all moneys and securities which may come into his hands belonging thereto, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund, and said treasurer shall, upon the expiration of his term of office, surrender and deliver to his successor all bonds, and all unexpended moneys or other property which may have come into his hands as treasurer of said fund.

Fund exempt
from levy or
attachment

Section 11. No part of such pension fund shall, either before or after any order for the distribution thereof to the members or beneficiaries of such fund, or to the widows, or guardians of any such child, or children of any such deceased, disabled or retired members of said department, be held, seized, taken, subjected to, detained, levied on, by virtue of any attachment, execution, judgment, writ, interlocutory or other order, decree or protest, or proceeding of any nature whatever, issued out of, or by any court in this or any other state, for the payment or satisfaction, in whole or in part, of any debt, damages,

claim, demand, judgment, fine, amercement of such member, or his widow or children, or the beneficiaries of any deceased member, but the said fund shall be sacredly kept secured and distributed for the purpose of pensioning and protecting the persons named in this act, and for no other purpose whatsoever, *provided* that said board may annually expend such sum as it may deem proper from such fund for the necessary expenses connected therewith.

Section 12. Any member of any paid fire department who shall have reached the age of fifty years, and who shall have served for a period of twenty years in any such department or departments in the State of Colorado shall be entitled to a monthly pension equal to one-half the amount of the average salary he shall have received as a member of said department or departments for one year before the time of granting his application; *provided, however*, that if thereafter such member shall accept a salaried position as fireman in any municipality, the payment of his pension shall be suspended during the period he holds such position.

Age retirement
pension

Section 13. Whenever any active or retired fireman shall die, the board of trustees shall appropriate from the fund, if said fund contains such amount, the sum of one hundred dollars (\$100.00) to the widow or family of said deceased, as a death benefit.

Death benefit

Section 14. The board of trustees herein created and established shall make a report semi-annually to the councils of their municipalities of the condition of said pension fund, and said report shall be submitted to said council prior to the last meeting in February and August in each year.

Reports

Section 15. It shall be the duty of the municipal attorney to advise the board of trustees on all matters pertaining to their duties and management of said fund, whenever required to do so. And he shall represent and defend said board as its attorney in all suits or actions

Municipal
attorney to
advise board

at law or in equity that may be brought against it. And bring all suits and actions in its behalf that may be required or determined upon by said board.

Volunteer
firemen
pensions

One-year limit

No repeal
intended by
this act

Section 16. Whenever any member of a volunteer fire department or of a fire department aid association, shall receive an injury or injuries while in line of duty as a fireman, it shall be the duty of the trustees of the said firemen's pension fund to pay such fireman so injured such a sum of money as they shall deem proper or necessary; *provided, however*, such sum shall not exceed fifty dollars (\$50.00) per month, and in no event shall he receive such monthly relief for a period of time exceeding one year, unless his injury shall be of a character as to disable him so that he is totally deprived of his earning capacity, and in that event shall be paid from said fund after the expiration of one year such a sum of money as the said trustees may determine proper and necessary.

Section 17. The provisions of this act shall not in any manner change, alter or repeal the statutes of the State of Colorado applicable to the firemen's pension fund in cities of 100,000 inhabitants or more, and the same shall remain in full force and effect and said cities and said firemen's pension fund created and established under said statute shall receive their proportionate share of the fund herein created, in addition to that already provided by law, but the firemen, widows, beneficiaries and dependent children in said cities last mentioned, shall receive no other pension or any other amount other than that now provided by law.

Approved: April 20, 1917.

To the Monorable James R. Noland,
Secretary of State,
Denver, Colorado.

Dear Sir: I herewith file House Bill No. 55, being an act of the Twenty-first General Assembly, entitled:

"TO CREATE AND ESTABLISH FIREMEN'S PENSION FUNDS FOR MEMBERS OF REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENTS, REGULARLY ORGANIZED PAID FIRE DEPARTMENTS AND REGULARLY ORGANIZED FIRE DEPARTMENT AID ASSOCIATIONS, THEIR WIVES, DEPENDENT MOTHERS AND DEPENDENT CHILDREN, AND TO CREATE BOARDS OF TRUSTEES OF EACH OF SAID FUNDS IN MUNICIPALITIES IN THE STATE OF COLORADO AND TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF THE SAME, AND FOR THE MAINTENANCE, MANAGEMENT AND CONDUCT OF SAID FUND."

I approve the entire bill save and except in section **Partial veto** four I disapprove five-eighths ($\frac{5}{8}$) and approve three eighths ($\frac{3}{8}$) of the one-half ($\frac{1}{2}$) of the annual tax of two per centum (2%), as computed by the insurance commissioner on all premiums collected from foreign fire insurance companies in this state, to be known as the firemen's pension fund.

GIVEN under my hand and the Executive Seal this 20th day of April A. D. 1917.

JULIUS C. GUNTER,
Governor.

CHAPTER 76.

FREE EMPLOYMENT OFFICES
NUMBER, LOCATION AND PURPOSES

(S. B. No. 72, by Senator Kluge)

AN ACT

TO AMEND SECTION 2465 OF THE REVISED STATUTES OF THE STATE OF COLORADO, 1908, CONCERNING COLORADO FREE EMPLOYMENT AGENCIES.

Be It Enacted by the General Assembly of the State of Colorado:

Section
repealed

Section 1. That Section 2465 of the Revised Statutes of 1908 shall be, and the same is, hereby amended to read as follows:

Location

Purpose

Section 2465. Colorado Free Employment Agencies Created. Free employment offices are hereby created as follows: One in each city of not less than twenty-five thousand and two in each city containing a population of two hundred thousand or over and one in the City of Grand Junction, in Mesa County, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Colorado Free Employment Offices.

Approved: March 30, 1917.

CHAPTER 77.

GAME AND FISH
SEASONS AND LICENSES

(H. B. No. 258, by Messrs. Thompson and Barlow and Senator
Fincher)

AN ACT

TO AMEND SECTIONS 2734, 2759, 2759-a, 2759-c, 2833, 2835
2836, AND 2838 OF THE REVISED STATUTES OF 1908,
RELATING TO GAME AND FISH, AS AMENDED BY THE
GAME AND FISH LAWS OF 1909, 1911, 1913 AND 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 2734 be and the same is
hereby amended to read as follows: Section
amended

2734. The commissioner and every warden through-
out the state, and every sheriff and constable in his re-
spective county, is authorized and required to enforce
this act and seize any game or fish taken or held in viola-
tion of this act, and he shall have full power and author-
ity, and it shall be the duty of every such officer, with or
without a warrant, to arrest any person whom he has
reason to believe guilty of a violation thereof; and with
or without a warrant to open, enter and examine all
camps, wagons, cars, stages, tents, packs, warehouses,
stores, outhouses, stables, barns and other places, boxes,
barrels and packages where he has reason to believe any
game or fish, taken or held in violation of this act, is to
be found, and to seize the same; *provided*, that a dwelling
house actually occupied can be entered for examination
only in pursuance of a warrant, which shall be issued by
any justice of the peace or judge, upon complaint made

Officers charged
with enforce-
ment of this
act

Powers

Dwelling house
exempt from
search without
warrant

before him, upon oath or affirmation, the same as required in case of larceny by Section 1937 of the Revised Statutes of 1908.

Section 2. That Section 2759 be and the same is hereby amended to read as follows:

2759. It shall be lawful to pursue, take or kill, during the open season therefor, in the manner, of the kind, and for the purpose and to the number and extent in this division provided, the following game and fish, and the open season therefor in each year shall begin and end as hereafter provided, both dates inclusive, namely:

- | | |
|-----------------------------|---|
| Deer | First. For deer having horns with two or more points on each horn, October 1 to October 4 commencing in 1918. |
| Mountain sheep | Second. For male mountain sheep having horns, September 25 to September 30, commencing in 1924. |
| Antelope | Third. For male antelope having horns, September 25 to September 30, commencing in 1924. |
| Elk | Fourth. For elk having horns, November 1 to November 5, commencing in 1924. |
| Prairie chicken and grouse | Fifth. For prairie chickens, mountain and willow grouse, September 15 to October 1. |
| Sage chicken | Sixth. For sage chickens, August 15 to September 1. |
| Pheasants | Seventh. For pheasants and other grouse not indigenous to this state, September 1 to September 20, commencing 1924. |
| Ducks, geese and water fowl | Eighth. For ducks, geese, brants, swans, plovers, and other wading, marsh and shore birds and water fowls, and for curlews and yellow-legged snipes, September 16 to December 31. |
| Doves | Ninth. For doves, from August 15 to September 1. |
| Quail (Bob-white) | Tenth. For bob-white quail, October 1 to October 20, commencing in 1924. |
| Quail (crested) | Eleventh. For crested quail, October 15 to October 30, commencing in 1924. |

Twelfth. For rabbits and hares, no closed season.

Rabbits
and hares

Section 3. That Section 2759-a be and the same is hereby amended to read as follows:

2759-a. The open season in running streams for trout and grayling, not less than seven inches in length, shall begin May 25 and end October 31, and the open season for trout and grayling in lakes at an altitude not to exceed 7,500 feet shall begin May 1 and end October 31. And in lakes at an altitude over 7,500, from June 15 to October 31.

Open season
trout
grayling

The open season for whitefish, bass, catfish, sunfish, perch and walleyed pike shall begin May 25 and end October 31.

Other fish

No fishing shall be done between the hours of 8:30 o'clock P. M. and 4 o'clock A. M.

Hours of
fishing

Section 4. That Section 2759-c be and the same is hereby amended to read as follows:

2759-c. The right given by this division is limited to food purposes, and to the number of birds and fish, and pounds of fish, as hereinafter provided, as follows:

For food
purposes
only

Prairie chickens, mountain and willow grouse and sage chickens, 10 birds in any one day, and not more than 15 in possession at any one time.

Limit on
number of
birds taken

Ducks, geese, brants, swans, plover and other wading, marsh or shore birds, not more than 20 birds of one kind, or in the aggregate of all kinds, in any one day, and not more than 35 in possession at any one time.

And the right herein given to take fish is limited to any one calendar day not to exceed 15 pounds, and no person shall have in his possession more than 20 pounds of fish at one time.

Limit on
amount of fish
taken

Nor shall any person take or kill or have in his possession more than one deer in any open season, and no person under the age of eighteen years be permitted to hunt big game under the provisions of this act, nor shall

Limit on deer

Restrictions
applicable
to minors

any person under twelve years of age be entitled to hunt except on his own premises or those of a parent or guardian, or take, kill or have in his possession more than half the number of birds or half the number of weight of fish as herein provided.

Section 5. That Section 2833 be and the same is hereby amended to read as follows:

Must have
license to
hunt or
fish

2833. No person shall shoot or engage in hunting any game, whether protected by law or not, or in fishing for any fish, whether protected by law or not, without having first procured a license therefor as hereinafter provided, and having at the same time such license in his possession; nor shall any person lend, sell, give or assign his license, or any coupon belonging thereto, except when game is disposed of as permitted by law, in which case the proper certificate must accompany it.

Section 6. That Section 2835 be and the same is hereby amended to read as follows:

Licenses

2835. All licenses must be upon blanks furnished by the commissioner, but may be issued by the commissioner, or by any county recorder or clerk and recorder, or by any individual designated by the commissioner, and shall be good in any and all counties of the state.

The commissioner shall be permitted, in his discretion, to allow and pay to those individuals who sell hunting and fishing licenses an amount not in excess of twenty-five cents upon each license sold, which shall be for the personal compensation of such individual for filing the application, issuing the license, keeping a record thereof, making a report and all other services connected therewith.

Licenses shall be as follows:

1. Non-resident big game hunting license.
2. Non-resident bird hunting license.
3. Non-resident fishing license.
4. Resident big game hunting license.

5. Resident combined fishing and small game hunting license.

The fee for a non-resident fishing license shall be two dollars. *Provided*, that nothing in this act shall be construed to prevent any female person from fishing without a license, or any male person under sixteen years of age from fishing without a license. *Provided, however*, that any male person under sixteen years of age fishing without a license, shall be entitled to catch and have in possession one-half only of the amount of fish heretofore provided for those having license.

Non-resident
license

The licenses above enumerated and fixed shall be imposed as provided upon all persons fishing in running streams or in any and all lakes or ponds of this state.

Section 7. That Section 2836 be and the same is hereby amended to read as follows:

2836. Fee for non-resident big game license to be twenty-five dollars (\$25.00).

Fees

Fee for non-resident bird hunting license to be five dollars (\$5.00).

Fee for non-resident fishing license, two dollars (\$2.00).

Fee for resident big game hunting license, two dollars (\$2.00).

Fee for resident combined fishing and small game hunting license, one dollar (\$1.00).

Section 8. It is hereby declared that this act is necessary for the public peace, health and safety.

Safety clause

Section 9. That Section 2838 and all sections or parts of sections in conflict herewith be and the same are hereby repealed.

Repealing
clause

Section 10. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: April 10, 1917.

CHAPTER 78

HIGHWAY LAW
STATE HIGHWAY DEPARTMENT CREATED

(S. B. No. 328, by Senator Napler)

AN ACT

RELATING TO HIGHWAYS; TO CREATE A STATE HIGHWAY DEPARTMENT CONSISTING OF A STATE HIGHWAY COMMISSION, A STATE HIGHWAY COMMISSIONER, AND SUCH ASSISTANTS AND EMPLOYES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY COMMISSIONER AND TO DEFINE AND PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT AND EMPLOYMENT OF ALL ASSISTANTS AND EMPLOYES OF THE STATE HIGHWAY DEPARTMENT; TO PROVIDE FOR CLASSIFICATION OF HIGHWAY AND TO ESTABLISH A SYSTEM OF PROPOSED STATE HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR THE CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCES OF INCOME AND TO REGULATE ITS EXPENDITURES; TO PROVIDE A BUDGET SYSTEM IN THE WORK OF THE STATE HIGHWAY DEPARTMENT AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

*ARTICLE I.**TITLE, DEFINITION AND CLASSIFICATION OF
HIGHWAYS.**I. TITLE.**An Act Relating to Highways.*

Section 1. The short title of this Act shall be The **Title**
Highway Law, and references herein to "this act" shall
be understood to mean The Highway Law, including all
its provisions.

2. DEFINITIONS.

Section 2. All roads and highways which are, at **Definitions and
designations**
the time of the passage of this Act, by law open to public
traffic shall be public highways or roads within the mean-
ing of this Act, provided that no portion of a public high-
way within the limits of any incorporated city or town
having a population of more than twenty-five hundred
shall come under the provisions of this Act, except as
specifically provided herein.

Section 3. The term "highway" as used in this Act
includes bridges on the roadway, as well as culverts,
sluices, drains, ditches, waterways, embankments, retain-
ing walls, trees, shrubs and fences along or upon the same
and within the right of way.

Section 4. A "State Route" within the meaning of
this Act, is a right of way or location, whether actually
used as a highway or not, designated for the construc-
tion of a state highway upon it.

Section 5. For convenience, the following short des-
ignations are used in this Act in referring to certain of-
ficial bodies and officers: "The Department" for the
State Highway Department created by this act; "The
Commission" for the State Highway Commission created
by this act; "The County Board of Commissioners" for the

Board of County Commissioners of a county as constituted under existing legislation; and "The Highway Commissioner" or "The Commissioner" for the State Highway Commissioner referred to in Article II below.

3. CLASSIFICATION OF HIGHWAYS.

Classification
of highways

Section 6. Public highways are divided for the purposes of this Act, into two classes: State Highways and County Highways. State Highways are those portions of State Routes which shall be accepted as such by the Commission, and are to be maintained by the State in accordance with the provisions of Article III of this Act. County Highways are those portions of the public highways constructed and to be maintained by the counties in accordance with the provisions of laws now in force or hereafter enacted.

ARTICLE II.

STATE ORGANIZATION FOR HIGHWAY WORK.

STATE HIGHWAY DEPARTMENT.

State Highway
Department
created

Section 1. There is hereby created a State Highway Department, which shall consist of a State Highway Commission of five members, a State Highway Commissioner and such assistants, clerks and other employes as may be employed to carry out the provisions of this Act.

Offices

Section 2. The Board of Capitol Managers shall provide for the State Highway Department suitable offices in the Capitol or other State Building at Denver. In addition to the offices to be maintained in the City of Denver, the Commission may maintain such additional offices in other cities of the State as it may find most convenient for the prosecution of its work.

Section 3. One member of the Highway Commission hereby created shall be appointed from each of the following districts: District No. 1. The Counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Gilpin, Jefferson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma. District No. 2. The counties of Chaffee, Cheyenne, Douglas, Elbert, El Paso, Kit Carson, Lake, Lincoln, Park and Teller. District No. 3. The counties of Baca, Bent, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo. District No. 4. The counties of Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel. District No. 5. The counties of Eagle, Garfield, Grand, Jackson, Mesa, Moffat, Pitkin, Rio Blanco, Routt and Summit. Each member shall actually reside in the district he represents, and his removal from the same shall be considered as constituting his resignation as a member of the Commission. The five members of the Advisory Board heretofore appointed under the provisions of Chapter Eighty-eight of the Session Laws of 1913, and now in office, are hereby appointed members of the State Highway Commission hereby created to serve for the remainder of the terms for which they were respectively appointed, and until their successors are appointed and qualified. At least thirty days before the expiration of the term for which each member is appointed, and thereafter annually as the successive terms expire, the Governor shall appoint one person as the successor of the member of the Commission whose term shall expire, to serve as a member of the Commission for a term of five years, or until his successor is appointed and qualified. Members of the Commission, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State for State officers, and the oath shall be filed in the office of the Secretary of State. Members of the Com-

Districts

Member must
be resident
of districtPresent mem-
bers continued
in officeGovernor to
appoint
successors

Term

Oath

Removals

mission shall be removed by the Governor only for cause, and then after a proper hearing. Upon the inauguration of a Governor he shall not ask, nor shall it be expected, that any member of the Commission shall resign because of any change in the administration. If a vacancy occurs in the membership of the Commission for any cause, the person appointed to fill such a vacancy shall be appointed only for the unexpired portion of the term of the member whose place he fills, and he shall be a resident of the same district. Members of the Commission shall serve without pay, but shall be allowed their actual traveling and other necessary expenses incurred in the performance of their official duties.

Compensation
of members ,Organization of
commissionAffirmative
vote of all
members
necessary for
any action

Section 4. Within thirty days after the members of the Commission shall have been appointed they shall meet at the capitol building in Denver and organize by selecting one of their members as chairman and one as vice-chairman, and appointing a secretary. The affirmative vote of all the members of the Commission shall be necessary for any action taken by the Commission, but if the members fail to agree in regard to any action proposed, the Governor shall decide the matter, and his decision shall be binding upon the Commission. The Commission may, however, act in any matter within its powers at any time without any meeting, by means of a resolution signed by all the members of the Commission on the same copy or on duplicates, and approved in writing by the State Highway Commissioner.

*POWERS AND DUTIES OF STATE HIGHWAY
COMMISSION.*

Powers and
duties of
commission

Section 5. The Commission shall in general exercise those powers and duties that relate to determining and carrying out the general policy of the State Highway Department and controlling its financial affairs. It shall exercise such control over the establishment, changing, construction and maintenance of highways as is author-

ized by this Act. The Commission shall have the following powers and duties: 1. To hold regular meetings at the office of the State Highway Department in Denver, at such times as it may determine, such regular meeting dates to be duly announced by the Commission. 2. To hold such special meetings for the transaction of any business not by law required to be transacted at a regular meeting, at such times and such places as the Commission may determine. The State Highway Commissioner shall attend all meetings of the Commission. 3. To formulate and adopt rules and regulations for the expenditure, by or under the direction of, the State Highway Commissioner, of public funds for the construction, improvement and maintenance of highways and other purposes authorized by law and for letting contracts for any work which the Commission or the Department is authorized by law to do. 4. To formulate and adopt regulations governing the qualifications for the employment of all persons in the State Highway Department and fix their salaries, if such qualifications or salaries are not otherwise provided by law, and to inquire into the official conduct of any person in the Department. 5. To prepare and submit annually to the Governor, on or before the first day of January, a budget for the State Highway Department. 6. To require from the Highway Commissioner complete information concerning the work of the Department under his charge. 7. To authorize and require the Highway Commissioner to make such special investigations and compile such special data as the Commission may deem to be of value for the work of the Department. 8. To establish, open, re-locate, alter, widen or change any portion of a State Route or State Highway. 9. To determine what portion or portions of any State Route shall be accepted as a State Highway. 10. To determine what portion or portions of State Routes shall be improved at the expense of the State. 11. To make agreements on behalf of the State of Colorado with the

United States Government, or any department of the same, in any manner affecting the Public Highways of the State. 12. To make agreements on behalf of the State with any county, city or town of the State for the improvement or maintenance of any part of a State Route, or at the joint expense of the State and the County, city or town. 13. To formulate reasonable rules and regulations governing the use by the public of state highways such as may be necessary to provide for the public safety and against undue use of the State Highways. 14. To send its members or other representatives to attend meetings within or outside the State of Colorado, as the Commission deems will be of benefit to the work of the State Highway Department. 15. To prescribe standard guide boards and road signs or other devices for the guidance of traffic to be erected upon all State Highways; and prohibit the use of all guide boards and road signs not conforming to such standard, on any State Highway in the State. 16. To exercise such other powers and duties as may be necessary for giving full force and effect to the foregoing provisions.

STATE HIGHWAY COMMISSIONER.

Term of office
of State
Highway
Commissioner

Section 6. The term of office of the State Highway Commissioner shall be four years, or until his successor is appointed and qualified. Upon the expiration of the successive terms of office of the State Highway Commissioner, the Governor shall appoint a successor. In making the appointment, particular consideration shall be given to the executive ability and experience in highway work. The person appointed must be at least thirty-five years old and have had at least three years' practical experience in the construction and maintenance of public highways. The State Highway Commissioner shall be removed from office only for cause and after due hearing, and by the vote of all the members of the Commission

Qualifications

Removal from
office

at a meeting duly called. If the Commission at such meeting cannot agree regarding such removal, the Governor together with the majority of said Commission shall decide the matter. Any vacancy in the office of Highway Commissioner shall be filled by the Commission for the unexpired term only. The Commissioner shall, within thirty days after his appointment, appoint, with the approval of the Commission, a person in the employment of the State Highway Department to act as his deputy, in case of his absence from the State or inability, from any cause, to act. When both the Commissioner and his Deputy are absent from the State or unable, from any cause to act, the chairman of the Commission, or if he is absent from the State or unable from any cause to act, the Vice-Chairman shall act in the place of the Commissioner, until the Commissioner or his deputy returns to the State, or is able to perform the duties of the office. The Highway Commissioner shall take the same oath of office as prescribed from members of the Commission, and shall execute a bond in the sum of not less than twenty-five thousand dollars, conditioned upon the faithful performance of his duties, to be approved by the Commission and filed with the Secretary of State. The expense of such bond shall be paid from the State Highway Fund.

Filling vacancy

Deputy
Highway
CommissionerCommissioner
to take oath
and give bond

Section 7. The salary of the State Highway Commissioner shall be three thousand six hundred dollars per year, to be paid in twelve equal monthly installments by the State Treasurer from the State Highway Fund hereinafter referred to.

Salary

POWERS AND DUTIES OF THE STATE HIGHWAY COMMISSIONER.

Section 8. The State Highway Commissioner shall be the chief executive officer of the State Highway Department and have control of all work done by the State on State Highways and State Routes, under the general

Powers and
duties of State
Highway
Commissioner

direction of the Commission. He shall have the following powers and duties: 1. Act as chief executive and administrative officer of State Highway Department. 2. Have charge of all employes of the Department and issue rules and regulations for the guidance of all employes of the Department. 3. Appoint all persons who may be duly qualified to positions in the department. 3-a. Outline an organization for the Department, defining the duties of persons who may fill such positions but the qualifications for the various positions are to be such as are prescribed by the Commission. 4. Fill all vacancies that occur in positions under him in the department. 5. Suspend for due cause any employe in the Department, but reporting the same immediately to the Commission, whose determination in the matter shall be final. 6. Prepare all plans and specifications, and advertise and let all contracts for work for the State on State Highways or State Routes authorized or approved by the Commission. 7. Have supervision of all work on State Highways and State Routes authorized by the Commission. Except that nothing in this act contained shall in any manner interfere with the supervision of the road work by discipline or custody of the warden of the State Penitentiary, of convicts employed in highway construction, maintenance and improvement as is now provided by law. 8. Have charge of the maintenance or upkeep of all State Highways and State Routes, when authorized by the Commission. 9. Approve all payments for work done by the State on, or in connection with, State Highways or State Routes, and no payment shall be made by the State Treasurer for such work without the written approval of the Commissioner or his deputy or substitute. 10. Make an annual report to the Commission of all expenditures by the Department, together with a statement of work accomplished under his direction, and include such other matters as he or the Commission may determine to be of interest and value to the people of the State.

11. Attend such meetings and conventions within or outside of the State of Colorado, inspect such roads, serve on such committees and attend such conferences as the Commission shall consider for the benefit of the work of the Department. 12. Formulate rules and regulations for the guidance of County Boards in regard to work on State Highways in the counties; he shall have the same printed and issued to all County Boards. 13. Give County Boards and other officials charged with public highway work such information and advice as he may have at hand and as may be requested. 14. Exercise such other powers as may be necessary to carry on the work of the State Highway Department as by law provided or implied.

OTHER EMPLOYES OF THE STATE HIGHWAY DEPARTMENT.

Section 9. All employes of the State Highway Department not otherwise provided for in this Act shall be appointed by the Highway Commissioner from such lists of persons as may be certified by the Commission as duly qualified for the position to be filled, and he shall not employ any persons not so duly certified, except that he may make temporary appointments of persons not so certified; but no person shall be paid for temporary employment in any calendar year for a longer period than four months. The Commissioner shall, without reference to the Civil Service Commission, prescribe the qualifications and tests for each position or grade of service in the Department, and all persons employed in the Department shall be required to have the qualifications so prescribed for the particular positions they are to fill. Employees appointed by the Highway Commissioner shall hold office during good behavior, but their services may be terminated by him upon the close of the particular work for which they were employed. If for any cause the Commissioner shall dispense with the services of any employes

Employees—
how-appointed

Commissioner
to prescribe
tests without
reference to
Civil Service
Commission

Commission to
fix salaries

Duties

Attorney
General to be
legal adviser

of the Department he shall report such action, together with his reason for the same, to the Commission at its next meeting, and if it shall appear desirable to the Commission to reverse or modify the action of the Commissioner in regard thereto, such action shall be duly entered in the minutes of the Commission, and the Commissioner shall be governed thereby. Employes of the State Highway Department shall be paid such salaries as the Commission may fix, unless otherwise provided by law. The Commission may make such rules and regulations regarding promotions within the Department as it deems proper; due consideration having been given to the recommendation of the Commissioner in regard thereto. The duties of all employes in the Department shall be such as are assigned them by the Commissioner. Upon request of the Commission, the Commissioner shall assign to the Commission such clerks or other employes as it may require to keep its records, compile reports and budgets and for such other purposes as are required by it.

Section 10. The Attorney General of the State shall be, *ex officio*, attorney and legal adviser for the State Highway Department, and shall give it such legal counsel, advice and service as it may from time to time require, and shall bring and prosecute in the name of the State Highway Department such suits and proceedings as may be required for carrying out the provisions of this act.

ARTICLE III.

CLASSIFICATION OF HIGHWAYS

STATE ROUTES.

State Routes

Section 1. A system of proposed State Highways, to be known as State Routes, is hereby established, and the said system shall consist in the first instance of the highways heretofore constituting or declared to be State Highways under authority of previous legislation, but

the Highway Commission hereby created shall have full power to abandon or change any part of the same, or to add thereto.

STATE HIGHWAYS.

Section 2. A system of state highways is also hereby established which are to be improved and maintained as hereinafter provided, and which are to consist of such parts of the State Routes as are designated and accepted as State Highways by the Commission, as hereinafter provided. No highway or part of the same that has not been designated under the provisions of this Act as a State Route shall become a State Highway, nor shall any portion of a State Route become a State Highway until by a proper resolution it shall have been specifically designated and accepted by the Commission as a State Highway. Until so designated and accepted, all State Routes shall be part of the County Highways and be constructed, improved and maintained as such, except as otherwise provided in this Act.

State Highways

Section 3. As soon as the Commission has designated any portion of a State Route to become a State Highway, the State Highway Commissioner shall proceed to maintain or improve the same as authorized by the Commission. In designating portions of State Routes as State Highways, the Commission shall be governed by the program of work provided in the budget for that year, which is to be prepared as hereinafter provided.

Commissioner
to improve
State Highways

Section 4. Any part of the system of State Routes designated and accepted as State Highways by the Commission shall thereafter be maintained by the State Highway Department at the joint expense of the state and the county in which the same is situated, in such proportions as the Commission shall prescribe; *provided, however*, that the county shall not in any case be required to pay more than one-half of such expense of mainte-

Joint maintenance
by state
and county

When any
county fails to
pay its propor-
tion of expense

nance. If any county shall fail to pay its proportion of the cost of maintenance of any State Highway as herein provided, or its share of the expense of construction or maintenance of any State Route, in accordance with the provisions of any agreement between the State Highway Department and the county, within thirty days after it is requested by the State Highway Commissioner to pay the same, the State Highway Commissioner may pay the same and deduct the amount from any future credit of state funds to said county.

Petition for
creation of
State Highway

Section 5. If a County Board desires to have the Commission accept as a State Highway any section of road on a State Route, in the county, the county Board may, by resolution, so request the Commission and the Commissioner shall then examine the section of road referred to and report to the Commission as to whether it is of such construction and in such state of repair as will make it proper to accept it as a State Highway. The Commission may in its discretion, accept such section as a State Highway if the Commissioner's report is favorable, but not otherwise.

Commissioner
to control con-
struction and
maintenance

Section 6. The construction and maintenance of all State Highways shall be under the immediate control of the State Highway Commissioner, subject to the rules and regulations prescribed by the Commission.

County High-
ways defined

Section 7. All roads now accepted or hereafter accepted by lawful authority as public highways, except State Highways (but including all parts of State Routes in the county not yet accepted as State Highways) shall be County Highways, within the meaning of this Act.

ARTICLE IV.

ESTABLISHMENT OF HIGHWAYS.

Establishing, Opening, Altering, Widening and
Abandoning Public Highways.

1. BY THE STATE.

Section 1. Any Public Highway or portion of a Public Highway designated as a State Highway or State Route, may be established, relocated, altered or widened, when in the opinion of the Commission, such establishment or change is for the public interest or convenience, in the manner herein provided.

Commission
may alter or
change public
highways

Section 2. The State Highway Commissioner shall, when he deems it desirable to establish, open, relocate, widen or alter a portion of a State Highway or State Route, or when so required by the Commission, make a written report to the Commission describing the portion of the highway to be established, opened or changed, and the portions of land of each land owner to be taken for the purpose, and accompanying his report with a map showing the present and proposed boundaries of the portion of the highway to be established, opened, or changed, together with an estimate of the damages and benefits accruing to each land owner, the boundaries of whose land may be affected thereby. If, upon receipt of such report, the Commission shall decide that public interest or convenience will be subserved by the proposed change, it shall enter a resolution upon its minutes, approving the same, and authorizing the Commissioner to tender to each land owner, the amount of damages, as estimated by him, and approved by the Commission. In estimating the amount of damages to be tendered a land owner, due account shall be taken of any benefits which will accrue to such land owner by the proposed action; *provided, how-*

Commissioner
to report rec-
ommendations
in writing

Commission to
pass resolution
approving

Damages

Adjustment of
claims for
damage

Procedure

Eminent
domain

Abandoned
highways to
revert to owner
of land through
which it lies

ever, that the amount of benefit shall not in any case exceed the amount of damages awarded. Any person or persons owning or having an interest in any land over which any proposed State Highway extends, who shall be of the opinion that the tender made to him or them by the State Highway Commission is inadequate, may personally or by agent or attorney, on or before ten days from the date of such tender, file a written request addressed to the State Highway Commission for a jury to ascertain the compensation which he or they may be entitled to by reason of damages sustained by altering, widening, changing or laying out such State Highway. Thereupon the State Highway Commission shall apply to the Judge of the District or County Court of the county in which said property is situated, by filing a petition as in other cases under the act of the General Assembly of the State of Colorado, entitled, "An act to provide for the exercise of the right of eminent domain," approved February 12, 1877, and amendments thereof, and the compensation to be paid such person or persons shall be ascertained and the land condemned. The rule of court or decree rendered, and all condemnation proceedings thereupon shall be according to the proceedings of said act, as in other cases. The State Highway Commission may, and it is hereby authorized to, take and condemn or cause to be condemned the lands of private persons, for State Highway purposes, under and according to said eminent domain act in the first instance, without tender or other proceedings under this act.

Section 3. When a portion of a State Highway or State Route is re-located, and because of such re-location a portion of the route as it existed before such re-location is, in the opinion of the Commission, no longer necessary as a Public Highway, such portion shall be considered as abandoned, and title to it shall revert to the owner or owners of the land through which such abandoned por-

tion may lie. If it shall appear that such abandoned portion is necessary for use as a public highway, then such abandoned portion shall become a County Highway, upon the adoption of a resolution to that effect by the County Board of Commissioners within ninety days after such abandonment by the Commission.

May become
County
Highway

Section 4. If it shall appear to the Commission that any land owner suffers damages because of the abandonment as a Public Highway of any portion of a State Highway or State Route, such damages shall be determined, tendered and paid in the same manner as other damages referred to in this article.

Damage
because of
abandonment

GENERAL PROVISIONS.

Section 5. All notices to land owners, referred to in the foregoing provisions of this article, may be given by mailing the same to such land owners, and all tenders of payment of damages to land owners, referred to herein, may be made by mailing to each land owner to whom such tender is to be made a written or printed statement reciting the action of the State Highway Commissioner and of the Commission relating to the award of damages to such land owner, specifying the amount of damages awarded to him, and stating where and by whom payment of the sum so awarded will be made upon demand of such land owner. Depositing in the general post office in the City of Denver, or at the county seat of the county in which the land in controversy is located, a written or printed copy of any notice herein referred to, or any statement tendering payment of damages, signed by the proper officer, enclosed in a sealed envelope with proper postage prepaid, and properly addressed to the land owner at his last known place of residence or address, shall be deemed sufficient mailing of the same for the purposes of this Act.

Notices and
tenders may be
sent by mail

Sufficient
mailing

Section 6. Streets within the limits of incorporated cities or towns having a population of less than twenty-

When streets
in cities and
towns may be
included by
proper
agreement

five hundred, as shown by the last Federal or State census, may, for all the purposes of this act, be included in State Highways, State Routes or County Highways, by agreement between such town or city and the Commission for State Highways or State Routes or of the County Boards for County Highways, when such streets form necessary or convenient connecting links for carrying such highways or routes through such cities or towns; but otherwise streets and other public ways in incorporated cities and towns shall not be subject to the provisions of this act in regard to establishing, changing, constructing or maintaining public highways.

State lands
included /

Section 7. The provisions of this article shall apply to State Lands and School Lands, as well as other lands.

ARTICLE V.

FUNDS FOR STATE HIGHWAY WORK AND EXPENDITURE OF SAME.

State Highway
Fund

Section 1. There is hereby created a fund to be known as the State Highway Fund. All moneys paid into the State Highway Fund shall be available immediately, without further appropriation, for the purposes of such fund as provided by law. Any sums paid into the State Treasury, which by law belong to the Highway Fund, shall be immediately placed by the State Treasurer to the credit of such fund. Upon request of the Commission or the Highway Commissioner, it shall be the duty of the State Treasurer to report to the Commission or the Highway Commissioner the amount of the State Highway Fund on hand and the amounts derived from each source from which such fund accumulated. All accounts and expenditures from the State Highway Fund shall be certified by the State Highway Commissioner and audited by the State Auditing Board and paid by the State Treasurer upon warrants drawn by the State Auditor; and the State Auditor is hereby authorized and directed to draw war-

State Treasurer
to report on
request

How expended

rants payable out of the State Highway Fund upon such vouchers properly certified and audited.

Section 2. All receipts from the following sources shall be paid into and credited to the State Highway Fund as soon as received: 1. From the half-mill tax levied under the act adopted by the people of the State November 3, 1914. 2. From such appropriations as may, from time to time, be made by the legislature to the State Highway Fund. 3. From all moneys now in or that may hereafter be paid into the Internal Improvement Permanent Fund and the Internal Improvement Income Fund. 4. From all revenues accruing to the State Road Fund under the provisions of existing legislation from the registration of motor vehicles and from chauffeurs' licenses, and from fines and penalties. 5. From all receipts from the sale of bonds that may be authorized by the people of the State for Highway purposes. 6. From all public donations, including receipts from any allotments or payments made to the State by the Federal Government or any department of the same, made toward the construction, improvement or maintenance of State Highways. All such donations shall be paid to the State Treasurer and by him deposited to the credit of the State Highway Fund for such particular purpose as may be indicated by the donor; *provided, however*, that the State Treasurer shall not receive any gift for such purposes without the approval of the Commission. 7. Any balance remaining at the time when this Act takes effect in the State Road Fund created by previous legislation, and all receipts accruing to such Road Fund, and the State Highway Commission hereby created shall be deemed to have assumed all lawful financial obligations of the State Highway Commission and Advisory Board created by the Act approved March 17th, 1913.

Sources of
State Highway
Fund

Section 3. The State Highway Fund shall be available to pay for—1. All salaries, wages and necessary

Purposes for
which fund is
available

traveling and other expenses of all persons connected with the State Highway Department. 2. All equipment, furniture and supplies for offices, division offices and laboratories as may be established by the Commission. 3. All incidental office expenses, including telegraph, telephone, postal, express charges and expenses for printing, stationery and advertising. 4. All machines, tools or other equipment necessary for the furtherance of the work of the Department. 5. The construction and maintenance of State Highways and such parts of highways forming State Routes as the Commission shall determine. 6. All land damages incurred by reason of establishing, opening, altering, re-locating, widening or abandoning portions of any State Route or State Highway.

Proceeds from
sale of bonds

Section 4. The proceeds from the sale of any bonds that may be authorized for State Highways shall be expended only for such purposes as are specified in the act authorizing the issue of the bonds and not more than ten per cent. of any bond issue shall be used for administrative and engineering purposes.

Annual budget

Section 5. The State Highway Fund shall be expended by the State Highway Department, subject to the following provisions: There shall be prepared by the Commission, prior to the first of January of each calendar year, a budget which shall show the amount of the State Highway Fund on hand, the amount of outstanding obligations against such Fund, the estimated amount of receipts from all sources that will become available for such fund during the ensuing year, and the estimated amount to be expended for the various activities and projects proposed for the forthcoming year. The total estimated expenditures contemplated for all purposes of the State Highway Department for a given year shall not exceed the total estimated available fund. It shall be the duty of the State Treasurer and the Highway Commissioner to give, on request, such information as the State

Highway Commission may need for the preparation of such budget. The budget shall be so prepared that it may be readily understood how much it is proposed to expend for administrative purposes, which shall not exceed four per centum of the estimated funds available; How much for construction, with an allowance of not more than ten per centum of the amount to be expended on any construction work for engineering and supervision of the same; in general where such construction is to be located, how much for maintenance and the extent of highway it is proposed to maintain, together with such other essential facts as the Commission may deem necessary in order that the people of the State may have full knowledge as to how much money there may be available in a given year for the work of the Department and how it is proposed to spend the money. In adjusting the expenditures for a given year the Commission shall give full consideration to the recommendations of the Highway Commissioner, who shall be present in person or by his deputy or substitute at the discussion of the budget by the Commission. Before the budget shall go into effect it shall be submitted on or before the first day of January to the Governor, who may, after consultation with the Commission and the Highway Commissioner, recommend such changes as he may consider for the best interest of the State. If the Governor does not return the budget to the Commission within ten days, it shall be deemed to be approved. If it shall be returned within ten days with changes recommended, the Commission may by unanimous vote alter or reject any of changes recommended by the Governor, otherwise the changes so recommended shall be incorporated in the budget.

Distribution of
expenditures

Commissioner's
recommendations

Submitted to
Governor for
approval or
rejection

Section 6. The budget in the final form so prepared shall be issued in printed form and sent free of charge to any citizen of the state who may apply for the same.

Budget printed

Approval**Procedure****Changes in
budget**

Section 7. When a budget has been finally approved the Highway Commissioner shall proceed in accordance therewith, and administer the work of the State Highway Department accordingly, provided that the ratio of actual expenditures for the various projects to such estimated expenditures shall be the same as that of the actual receipts, except that with the approval of the Commission actual expenditures as herein provided may vary therefrom by ten per centum. Changes may be made in the budget at any time by the unanimous vote of all the members of the Commission with the approval in writing of the Governor, when, in their opinion, such changes are necessary or desirable for meeting changed or unexpected conditions, *provided*, the amount of the budget so changed does not exceed the total estimated fund available.

**Cash available
for payments****Commissioner
may issue
voucher checks**

Section 8. In order that the Commissioner may make immediate cash payment to laborers and in other instances where, in his judgment, it is advantageous or necessary for the conducting of the work of the State Highway Department to make such payments, there shall be deposited by the State Treasurer in some bank in the City of Denver, from the State Highway Fund, the sum of Ten Thousand (\$10,000) dollars, which shall be made payable upon order of the State Highway Commissioner in the form of a voucher check, the voucher to show to whom and for what payment is made. A duplicate of all such vouchers shall be retained in the office of the State Highway Department. The voucher checks issued shall be audited by the State Auditor from time to time, when requested by the Commissioner, and an amount equal to the checks returned and found in proper form shall thereupon be deposited by the State Treasurer to the credit of such special fund from the State Highway Fund. Voucher checks drawn upon the special fund shall not be used to pay salaries of officers or regular employees of the Department.

Section 9. If, as the result of any agreement made by the Commission, on behalf of the State, and any branch of the Federal Government, there shall be undertaken actual construction or improvement of highways in the State, the letting of contracts, preparation and approval of specifications and plans, together with supervision of construction, shall, on behalf of the State, be under the direct control of the State Highway Commissioner, subject to the terms of the agreement so made, *provided*, that no agreement or contract shall be made which shall require the expenditure of funds greater than that included in the budget for the current fiscal year.

In case of
agreement
with U. S.
Government

Section 10. The Commission is further authorized and empowered to co-operate in such manner as it may consider for the public benefit, with any department of the Federal Government in undertaking any experiments or collecting any data that has to do with public highways.

Co-operation
with U. S.
Government

ARTICLE VI.

GENERAL PROVISIONS AND REPEAL OF PRIOR LAWS

Section 1. The State Highway Commissioner and Advisory Board, upon the request of the State Highway Department, shall transfer and deliver to the State Highway Department all the files, records, books, maps, papers and other documents belonging to their office and kept by them under the Act approved March 17th, 1913.

Delivery of
records

Section 2. It is hereby declared that this Act is necessary for the immediate preservation of the public safety.

Safety clause

Section 3. Chapter eighty-eight (88) of the Session Laws of 1913 and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause

Section 4. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to

If any portion
is held uncon-
stitutional

be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

**Emergency
clause**

Section 5. In the opinion of the General Assembly, an emergency exists; therefore this Act shall take effect and be in force from and after the date of its passage.

Approved: April 20, 1917.

CHAPTER 79.

**INSANE—CARE OF
ADMITTANCE TO ASYLUM**

(Initiated by Petition under the Initiative and Referendum)

AN ACT

PROVIDING FOR THE CARE OF THE INSANE, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the People of the State of Colorado:

Section 1. That all persons who have been or may hereafter be adjudged to be insane, are hereby made wards of the State of Colorado; and it is hereby made the duty of the Colorado Board of Corrections to admit into the Colorado Insane Asylum, or to provide and care for elsewhere, all insane persons who may be committed to the Colorado Insane Asylum.

Board of Corrections must care for insane

Sec. 2. That the statutes of this state shall not be construed to limit the number of insane persons to be kept in any building at the Insane Asylum; and the Colorado Board of Corrections shall have no power to make or enforce any rule or by-law which will limit the number of insane persons to be cared for by the state, or that will deny to any insane person the care furnished other insane persons by the state, or that will in any way abridge the purposes of this act.

Board cannot limit number of persons cared for

Repealing
clause

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Submitted to people at election held November 7, 1916. Approved by 164,220 votes "Yes" to 39,415 votes "No."

CHAPTER 80.

INSURANCE
FOREIGN MUTUAL COMPANIES

(S. B. No. 382, by Senator Hattenbach)

AN ACT

TO AMEND SECTION 73 OF AN ACT ENTITLED "AN ACT TO PROVIDE AN INSURANCE CODE FOR THE STATE OF COLORADO, TO REGULATE THE ORGANIZATION AND GOVERNMENT OF INSURANCE COMPANIES AND OTHERS DOING BUSINESS THEREIN, TO CREATE AN INSURANCE DEPARTMENT IN AND FOR THE STATE OF COLORADO AND TO DEFINE THE POWERS AND DUTIES OF SUCH DEPARTMENT, TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY", APPROVED APRIL 15, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 73 of an Act entitled "An Act to provide an insurance code for the State of Colorado, to regulate the organization and government of insurance companies and others doing business therein, to create an insurance department in and for the state of Colorado, and to define the powers and duties of such department, to provide penalties for the violation of the provisions of this Act, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency", be and the same is amended to read as follows:

Section 73. (Foreign Mutual Companies). Any mutual fire insurance company organized under authority

Foreign mutual
companies to
file certificate
as to assets

other than that of Colorado, before being authorized to do business in this state, shall be required to file a certificate from the Insurance Department of its home State, certifying to the fact that such company has assets amounting to not less than one hundred thousand dollars (\$100,000) over and above all liabilities.

Emergency
clause

Section 2. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved: March 30, 1917.

CHAPTER 81.

INSURANCE

PROHIBITING REBATING AND DISCRIMINATION

(S. B. No. 296, by Senator Elliott)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE AN INSURANCE CODE FOR THE STATE OF COLORADO, TO REGULATE THE ORGANIZATION AND GOVERNMENT OF INSURANCE COMPANIES AND OTHERS DOING BUSINESS THEREIN, TO CREATE AN INSURANCE DEPARTMENT IN AND FOR THE STATE OF COLORADO AND TO DEFINE THE POWERS AND DUTIES OF SUCH DEPARTMENT, TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY", APPROVED APRIL 15, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 55 of an Act entitled "An Act to provide an Insurance Code for the State of Colorado, to regulate the organization and government of insurance companies and others doing business therein, to create an insurance department in and for the State of Colorado and to define the powers and duties of such department, to provide penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency," approved April 15, 1913, be amended to read as follows:

Section 55. (Prohibiting Rebating and Discrimination). No life insurance company doing business in this

Act amended

Prohibiting
rebating and
discrimination

state shall make or permit any distinction or discrimination in favor of individuals between insureds (the insured) of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes. Nor shall an insurance company of any kind or character or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any insurance company or any officer, agent, solicitor or representative thereof pay, allow or give or offer to pay, allow or give directly or indirectly, except to a charitable, religious or educational corporation, organization or institution, the property or buildings of which is exempt from taxation, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever not specified in the policy contract of insurance; nor give, sell or purchase or offer to give, sell or purchase, as inducement to insurance or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon, or anything of value whatever, not specified in the policy. Every officer or agent of any insurance company doing business in this State, who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum of not less than one hundred dollars, nor exceeding five hundred dollars, or imprisonment in the county jail of not less than thirty days, nor more than ninety days, or both, in the discretion of the court, and shall pay the costs of the prosecution.

Penalty

It shall be the duty of the Commission upon being satisfied that any insurance company, or any agent thereof, has violated any of the provisions of this section, to revoke the certificate of authority of the company or agent so offending.

Commissioner
to revoke
certificate of
authority

Section 2. That Section 57 of said Act be amended so as to read as follows:

Section 57. (Penalty for Accepting Rebate). Any person knowingly receiving any rebate or allowance or reduction from any premium, or any special contract of employment, or promising profits or dividends of any character, or any valuable thing, special favor or advantage whatever, except to a charitable, religious or educational corporation, organization or institution, the property or buildings of which is exempt from taxation, as an inducement to take any policy of insurance, not specified in the policy contracted, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of one hundred dollars or imprisonment in the county jail for thirty days, or both, in the discretion of the Court. *Provided* that this section shall not apply to the payment of dividends upon contracts made as inducements prior to the enactment hereof.

Penalty for ac-
cepting rebate

Approved: April 10, 1917.

CHAPTER 82

INTOXICATING LIQUORS

IMPORTATION RESTRICTIONS

(H. B. No. 164, by Messrs. Horton and Harris)

AN ACT

RELATING TO INTOXICATING LIQUORS AND AMENDING
 "AN ACT RELATING TO INTOXICATING LIQUORS,"
 APPROVED MARCH 3, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 7 of an act relating to intoxicating liquors, approved March 3, 1915, be and the same is hereby amended to read as follows:

Legal importation

Section 7. Importation. Persons desiring to import and keep intoxicating liquor in their homes for medicinal or other lawful use may do so in manner as provided in this act and not otherwise. The Secretary of State shall supply to each county clerk and recorder a book of numbered forms designated a "Record of Importation of Intoxicating Liquor," containing applications and permits in substantially the following forms:

Form of application for permit to import intoxicating liquor

APPLICATION FOR PERMIT TO IMPORT INTOXICATING LIQUOR.

State of Colorado, County of.....SS.

The undersigned being first duly sworn, deposes and says, that he is a resident of.....

(Give postoffice address, including street or R. F. D. number.)

in the county of....., State of Colorado;
that he is over the age of twenty-one years; that his true
name is as hereto subscribed; that neither he nor any mem-
ber of his household has directly or indirectly secured a
permit to import any intoxicating liquor within thirty
days of this date and that he desires to import for medic-
inal or other lawful use in his home.....

.....
(State kind, quantity, not exceeding two quarts of intoxi-

.....
cating liquor other than wine or beer, or six quarts of
WINE, or twenty-four quarts of beer.)

from at.....
(Name of consignor) (Give postoffice address, in-

.....
cluding street or R. F. D. number, city and state.)

.....
Applicant.

Subscribed and sworn to before me this.....day
of....., A. D. 19.....

PERMIT TO IMPORT INTOXICATING LIQUOR.

Good for One Shipment Only Which Must Be De-
livered Within Twenty days After the Issuance Hereof.

Form of permit
issued to
import intoxi-
cating liquor

This is to certify that.....
(Give postoffice address, in-

.....
cluding street or R. F. D. number and town or city, coun-
ty and state.)

is hereby authorized to import.....
(State kind, quantity, not ex-

ceeding two quarts of intoxicating liquor other than wine
 or beer, or six quarts of wine, or twenty-four quarts of
 beer.)

from
 (Name of Consignor.)

at
 (Give postoffice address, including street or R. F. D. num-
 ber and town and city, county and state.)

Dated at....., Colorado, this
day of..... A. D. 19.....
 County Clerk and Recorder.

(SEAL)

By....., Deputy.

The applications shall be permanently fastened in
 said book and shall be consecutively numbered and each
 permit shall bear the same number as its corresponding
 application, from which it shall be separated by a perfor-
 ated line.

Procedure
 in securing
 permit

Fee

Any person desiring to import intoxicating liquor for
 medicinal or other lawful use shall appear before the
 County clerk and Recorder of the County in which he re-
 sides and fill in, subscribe and make affidavit to an appli-
 cation therefor and pay a fee of twenty-five cents, or shall
 mail an application duly subscribed and sworn to, to said
 County Clerk and Recorder with said fee, which said ap-
 plication shall be permanently fastened in said book afore-
 said, by pasting or otherwise, upon the blank application
 in said book which would have been used had the appli-
 cant appeared personally, whereupon said County Clerk

and Recorder shall deliver or mail the permit herein provided for to said applicant; *provided* that not more than one such permit shall be issued by any county clerk and recorder to the member or to the members of one household, or to any person, within any period of thirty days; and, *provided further* that no such permit shall be issued by the County Clerk and Recorder of any county to any person convicted of a violation of this act.

Only one permit to issue to members of same household monthly

Any person who shall knowingly subscribe and make affidavit to an application required by this act, that is false, or who shall knowingly make, utter, use, deliver or put in circulation, or aid, or abet in the making, uttering, using, delivering or putting in circulation any application or permit required by this act, that is false, shall be deemed guilty of a violation of this act; *provided* that nothing herein contained shall be construed as repealing any statute of this state relating to perjury.

False affidavit

The applications and permits herein provided for, or duly certified copies thereof, shall be admissible as evidence in any court of this State having jurisdiction of violations of this act.

No repeal intended

Applications and permits admissible as evidence

It shall be unlawful for any person to receive at any one time more than two quarts of intoxicating liquor other than wine or beer, or six quarts of wine, or twenty-four quarts of beer for medicinal or other lawful use, except where intoxicating liquor is handled for medicinal or sacramental purposes under Sections 15, 16, 17 and 18 of this act.

Limit of quantity imported

It shall be unlawful for any person to have, keep or use intoxicating liquor in any store, shop, club, roadhouse, railroad car, place of private business or place of public resort, or in the room or rooms of any hotel, rooming house or boarding house or in any part or parts of any building directly or indirectly connected with any such place, or in any place except in his home or except while carrying same with the permit herein provided for thereto securely fastened; and it shall be unlawful for any person in this

Intoxicating liquor may be kept in "home" only

Manufacture
prohibited

state to manufacture intoxicating liquor for any purpose whatsoever.

Section
amended

Section 2. That Section 8 of an act relating to intoxicating liquors, approved March 3, 1915, be and the same is hereby amended to read as follows:

"Carrier"
defined and
restricted

Section 8. Carrier, How Deliver. The word carrier when used in this act, shall be construed to mean only railroad companies or express companies regularly chartered as such under the laws of Colorado, and operating over railroad lines; or express companies chartered under the laws of some other state and authorized to do an express business under the laws of Colorado, and operating over railroad lines; and such railroad companies and express companies in each case shall have regularly established routes, depots, stations and offices.

Only "carriers"
as defined in
act can carry
intoxicating
liquor

It shall be unlawful for any person, association or corporation to carry intoxicating liquor into this state, or from one point to another in this state, that is not a carrier as herein defined; except that it shall be lawful for any carrier as herein defined to carry intoxicating liquor into this state and from one point to another within this state, and to deliver same, and it shall be lawful for any person, association or corporation to receive and to carry same from one point to another within this state, if the packages containing such intoxicating liquor is accompanied by and conforms to a legally issued permit. It shall be unlawful for any carrier to deliver any intoxicating liquor to a minor, fictitious name or person, or to any other person than the consignee. Upon making delivery of such intoxicating liquor the carrier shall require the consignee to sign a receipt therefor. Within seven days after the first day of each calendar month the carrier shall file with the county clerk and recorder of the county in which such intoxicating liquor is delivered and, with the Secretary of State, reports covering the preceding calendar month, setting forth the date of each delivery of intoxicating liquor made, the name and post-

Persons to
whom delivery
unlawful

Consignee to
sign receipt

Carrier to file
reports

office address of each consignor and consignee, the kind and quantity of such intoxicating liquor delivered and the permit number under which each shipment was carried, which reports shall be kept on file as public records. It shall be unlawful for a carrier to deliver any package containing intoxicating liquor more than twenty days after the date of the issuance of the permit accompanying same. If any intoxicating liquor is not delivered or claimed within said twenty days the carrier shall deliver same to the sheriff of the county, who shall receipt for and forthwith destroy same, unless he is directed by court order as in this act provided to deliver same to a hospital.

Reports to be
public records

Delivery must
be within
twenty days

Each county clerk and recorder, within fifteen days after the first day of each calendar month, shall file with the Secretary of State a report covering the preceding month, showing each permit issued by number, the name and address of each consignor and consignee and the amount and kind of intoxicating liquor permitted to be imported under each permit, which reports shall be kept on file as public documents for a period of two years. Such reports, or certified copies thereof, shall be admissible as evidence in any court of this state having jurisdiction of violations of this act. Each county clerk and recorder shall also remit therewith to the Secretary of State one-half of all fees collected by him.

Clerk and
recorder to
make report
to Secretary
of State

Reports admis-
sible in
evidence

Section 3. That Section Eleven of an act relating to intoxicating liquors, approved March 3, 1915, be and the same is hereby amended to read as follows:

Section
amended

Section 11. Search and Seizure. If any person make an affidavit before any justice of the peace, or the judge of any county or district court, stating that he has reason to and does believe that intoxicating liquors are being sold, bartered, exchanged, divided, or unlawfully given away, or kept for such purposes, or carried in violation of this act, within the jurisdiction of such justice or court, and describing in such affidavit the premises,

Search warrant
issued on
affidavit

wagon, automobile, vehicle, contrivance, thing or device to be searched, then such justice or the judge of such court, shall issue a warrant to any officer which the complainant may designate having power to serve original process, commanding such officer to search the premises, (other than a home), wagon, automobile, vehicle, contrivance, thing or device described in such affidavit. Such warrant shall be substantially as follows:

Form of search
warrant

State of Colorado, County of.....ss.

The People of the State of Colorado to.....

Greeting:

Whereas there has been filed with the undersigned an affidavit of which the following is a copy:

(Here copy affidavit.)

Therefore You are Hereby Commanded, in the name of the People of the State of Colorado, forthwith, together with the necessary and proper assistance to enter into

.....
Here describe the place mentioned in the affidavit.

of the said.....situate in the county
ofaforesaid and there
diligently search for the said intoxicating liquors and
that you bring the same or any part thereof found in
such search, together with such vessels in which such
liquors are found and the implements and furniture used
in connection therewith, and the automobile, wagon, ve-
hicle, contrivance, thing or device in which carried, forth-
with before me, to be disposed of and dealt with accord-
ing to law.

Given under my hand and seal this.....day
of..... A. D. 19....

.....
Judge of the.....Court or
Justice of the Peace.

The officer charged with the execution of said warrant may, when necessary to obtain entrance, or when entrance has been refused, break open any premises (other than a home), wagon, automobile, vehicle, contrivance, thing or device which by said warrant he is directed to search; and may execute said warrant any hour of the day or night.

Officer may
use force

Section 4. That Section Twelve of an act relating to intoxicating liquors, approved March 3, 1915, be and the same is hereby amended to read as follows:

Section
amended

Section 12. Duty of Officer. If any intoxicating liquors are there found, said officer shall seize the same and the vessels in which they are contained and all implements and furniture used or kept in connection with such liquors in the illegal selling, bartering, exchanging, giving away or carrying of same, and any wagon, automobile, vehicle, contrivance, thing or device used in conveying same, and them safely keep and make immediate return on such warrant. Such property shall not be taken from the custody of any officer seizing or holding the same, by writ of replevin or other process, while the proceedings relating thereto are pending. Final judgment of conviction in such proceedings shall be a bar to any and all suits for the recovery of any such property so seized, or the value of the same, or for damages alleged to arise by reason of such seizure and detention. The judgment entered shall find said liquor to be unlawful and shall direct its destruction forthwith, unless some hospital applies for same for medicinal use, in which event the justice or court may, upon such terms as shall be meet and proper, order such liquor delivered to such hospital for medicinal use, under physicians prescription; and a certified copy of such order or judgment shall be the authority to carry such liquor to such hospital and for such hospital to receive same, and such hospital shall report the disposition of such liquor in manner as required of pharmacists by section 17 hereof. The said wagon, automobile, vehicle,

Office to seize
intoxicating
liquors,
containers,
fixtures, etc.

Replevin not
to apply

Disposition of
seized intoxi-
cating liquor

Hospital to
report

Confiscation of property seized with intoxicating liquor

contrivance, thing or device, vessels, implements and furniture, if owned by the person violating this act, shall likewise be ordered disposed of as personal property is sold under execution and the proceeds therefrom applied, first in the payment of the costs of the prosecution and of any fine imposed, and the balance, if any, paid into the general school fund of the county in which such conviction is had; or returned, in the discretion of the justice or court, but in no event until all fines and court costs in connection with such proceedings have been paid in full. The officer serving the warrant shall forthwith file a complaint in the court issuing same, charging such violation of law as the evidence in the case justifies. If such officer refuses or neglects to file such complaint, then the person filing the affidavit for the search warrant, or any other person, may file such complaint.

Destroyed fluids shall be prima facie evidence

If fluids are poured out, or otherwise destroyed, manifestly for the purpose of preventing their seizure, said fluids shall be held to be prima facie intoxicating liquor and intended for unlawful sale, barter, exchange or gift.

Officer to post notice

If no person is in possession of the premises where such liquors are found, the officer seizing such liquors shall post in a conspicuous place on said premises a copy of his warrant, and if at the time fixed for said hearing, or within thirty days thereafter, no person appears, said justice of the peace, or court shall order such liquors destroyed.

No warrant issued pursuant to this act shall authorize the search of any place where a person may lawfully keep intoxicating liquor as provided in this act.

Maker of affidavit may assist officer

The person making affidavit for the warrant to search may personally accompany the officer who serves the warrant, and enter the place with such officer, and give information and assistance to such officer in searching the premises.

Section 5. That Section Twenty-one of an act relating to intoxicating liquors, approved March 3, 1915, be and the same is hereby amended to read as follows: **Section amended**

Section 21. Evidence. In all prosecutions under this act the finding of intoxicating liquor in the possession of anyone except as in this act permitted, shall be prima facie proof of a violation of this act. The possession of an internal revenue stamp or tax receipt, issued by the United States Government, permitting or relating to the sale of intoxicating liquors, by any person, association or corporation, not authorized under this act to handle intoxicating liquor, or a certificate from the collector of internal revenue, or any of his agents, clerks or deputies, showing the payment of such internal revenue tax, by any such person, association or corporation aforesaid, shall also be prima facie proof in any court having jurisdiction of a violation of this act. **Unauthorized possession**
Government license prima facie evidence

Section 6. Unconstitutional Sections. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares it would have passed the act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional. **If portions of act are unconstitutional**

Section 7. For Immediate Preservation. The General Assembly hereby finds, determines and declares that this act and each and every sentence, phrase, clause and sub-section thereof, is necessary for the immediate preservation of the public peace, health and safety. **Safety clause**

Section 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. **Emergency clause**

Approved: April 23, 1917.

CHAPTER 83.

IRRIGATION DISTRICTS
CO-OPERATION WITH U. S. GOVERNMENT

(H. B. No. 14, by Mr. Canon and Senator Kluge)

AN ACT

TO AMEND SECTIONS 3440 AND 3443 AS AMENDED BY SECTIONS ONE (1) AND THREE (3) RESPECTIVELY, OF CHAPTER 104 OF THE LAWS OF COLORADO OF 1915; 3450 AS AMENDED BY SECTION ONE (1) OF CHAPTER 176 OF THE LAWS OF 1909; 3452, 3454, 3456, 3457 AS AMENDED BY SECTION ONE (1) OF CHAPTER 105 OF THE LAWS OF 1915; 3458 AS AMENDED BY SECTION ONE (1), CHAPTER 106 OF THE LAWS OF 1915; 3459, 3460, 3462, 3470, 3474, 3484, 3489, 3490, 3491, 3492, AND 3493 OF THE REVISED STATUTES OF 1908, AND SECTION THREE (3) OF CHAPTER 107 OF THE LAWS OF 1915, ALL RELATING TO IRRIGATION DISTRICTS, AND PROVIDING FOR THE MAKING OF CONTRACTS AND CO-OPERATION BY SUCH IRRIGATION DISTRICTS WITH THE UNITED STATES OF AMERICA, AND FOR OTHER PURPOSES.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 3440 of the Revised Statutes of 1908, as amended by Section 1 of Chapter 104 of the Laws of 1915, be and the same is hereby amended to read as follows:

Organization
of irrigation
districts

Sec. 3440. Irrigation District.—Sec. 276. Whenever a majority of the owners of the land within any district, whether residents or non-residents, as well as the owners in the aggregate of a majority of the lands in such dis-

tricts desire to provide for the irrigation of the same and drainage work, or both, necessary to maintain the irrigability of the land within the district, they may propose the organization of an irrigation district under the provisions of this act, and when so organized each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district; an irrigation district may also be formed in order to co-operate, or a district heretofore formed may co-operate with the United States under the federal reclamation laws for purposes of the construction of irrigation works including drainage works necessary to maintain the irrigability of the land, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands; *provided*, that where ditches, canals or reservoirs have been constructed before May 3, 1905, such ditches, canals, reservoirs and franchises, and the lands watered thereby, shall be exempt from the operation of this law, except such district shall be formed to purchase, acquire, lease or rent such ditches, canals, reservoirs and their franchises. *Provided, further*, that entrymen upon public lands of the United States within the proposed district boundaries shall be deemed to be the owners of lands within the district for the purpose of becoming petitioners for the organization of such irrigation district and shall share all the privileges and obligations of private land owners within the district. All contracts between irrigation districts and the United States shall be recorded in the office of the Clerk and Recorder of the county in which the office of the irrigation district is located; *provided* that where said district is located in more than one county said contract shall be recorded with the Clerk and Recorder of each county in which said district or any part thereof is located.

Former ditches,
etc., exempt un-
less purchased

Government
land included
in district

**Section
amended**

Section 2. That Section 3443 of the Revised Statutes of 1908, as amended by Section 3 of Chapter 104 of the Laws of 1915, be and the same is hereby amended to read as follows:

**Notice of
election**

Sec. 3443. Notice—Election—Sec. 279. The Board of County Commissioners shall thereupon cause a notice embodying said orders in substance signed by the chairman of the Board of County Commissioners and the clerk of said board to be issued, given and published, giving public notice of said election, the time and places thereof, the matters submitted to the vote of the electors; said notice and order shall be published once a week for at least four weeks prior to such election in a newspaper of general circulation in said county, and if any portion of such proposed district lies within any other county or counties then such order and notice shall be published in a newspaper of general circulation published within each of said counties. No election, the purpose of which is to issue bonds or purchase sites, water rights, reservoirs or rights of way, shall be held, nor shall any bonds be issued or purchased or contract of purchase be made for reservoirs, water rights, sites or works before or until the Board of Directors shall have submitted to the State Engineer a complete and detailed plan of the project and complete and detailed information of the property to be leased or purchased; and any other information required by the State Engineer and decision rendered by him as to the feasibility of the project. No election thereon shall be held nor purchase contract or lease made until sixty (60) days have expired after the rendition of such decision by the State Engineer.

**Qualification
of electors**

At all elections held under the provisions of this act every owner, or entryman of agricultural or horticultural land within said district, over the age of twenty-one years, who is a citizen of the United States, or has declared his intention to become a citizen of the United States, and is a resident of the State of Colorado, and

who shall have paid property taxes upon the real property located within said district during the calendar year preceding any such election shall be entitled to vote at such election in the precinct where he resides, or, if a non-resident of the precinct, then in the precinct within which the greater portion of his land is located; and any such person so qualified to vote, and who shall reside in any county into which said district shall extend, shall be eligible to election as a director in and for the division in such district in which he is entitled to vote. All lands platted or subdivided into residence or business lots shall not be considered agricultural or horticultural land, unless used exclusively for agricultural or horticultural purposes by the owner who shall reside thereupon and cultivate said lands as a farmer, gardener or horticulturist. The ballots to be used and cast at such election for the formation of such district shall be substantially as follows: "Irrigation District—Yes," and "Irrigation District—No," or words equivalent thereto, and shall also contain the names of the persons to be voted for as members of the board of directors of said district; each elector may vote for three directors, one from each division and shall indicate his vote by placing a marginal cross upon the ballot for or against any question submitted or name voted upon and opposite thereto at any election held under this act.

Platted lots
exempt

Form of ballot

Vote for
directors

Section 3. That Section 3450 of the Revised Statutes of 1908, as amended by Section 1 of Chapter 176 of the Laws of 1909, be and the same is hereby amended to read as follows:

Act amended

Section 3450. Board of Directors—Officers—General Duties—Ratio of Water Distribution. The directors, having duly qualified, shall organize as a board, elect a president from their number, and appoint a secretary. The board shall have power, and it shall be their duty, to adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts,

Organization
of board of
directors

Powers and
duties

Contract with
U. S. Govern-
ment

employ such agents, attorneys, officers and employes as may be required, and prescribe their duties; establish equitable rules and regulations for the distribution and use of water among the owners of said land. The board shall generally perform all such acts as shall be necessary to fully carry out the purposes of this act. Said board may also enter into any obligation or contract with the United States for the construction, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom, or for drainage of district lands, or for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, or for the temporary rental of water under the provisions of the Federal Reclamation Act and all acts amendatory thereof or supplementary thereto, and the rules and regulations established thereunder; or the board may contract with the United States for a water supply under any act of Congress providing for or permitting such contract, and may convey to the United States as partial or full consideration therefor water rights or other property of the district, and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States at ninety-five per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on said bonds, if bearing interest, to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment now provided for by law, an amount sufficient to meet each year all payments accruing under the terms of any such contract. Districts co-operating with the United States may rent or lease water to private lands, entrymen, or municipalities in the neighborhood

of the district in pursuance of contract with the United States, and under terms and conditions not inconsistent with the laws of Colorado.

Said board shall have the power, in addition to the means to supply water to said district proposed by the petition submitted for the formation of said district, to construct, acquire, purchase, or condemn any and all canals, ditches, reservoirs, reservoir sites, water, water rights, rights of way, or other property necessary for the use of the district, or to acquire by condemnation, or otherwise, the right to enlarge any ditch, canal or reservoir already constructed or partly constructed. In case of the purchase of any property by said district, when it shall be proposed by the board of directors to purchase a system of irrigation already constructed, or partially constructed, and to enlarge and complete the same adequate to the needs of the district, the board may in such case embody in one contract the matter of the purchase, the enlargement, and the completion of such irrigation system without inviting bids for such construction and completion; and in case of the purchase of such property as aforesaid by said district, the bonds of the district hereinafter provided for may be used at their par value in payment without previous offer of such bonds for sale. But no contract involving a consideration exceeding ten thousand dollars, and not exceeding twenty-five thousand dollars, shall be binding, unless such contract shall be authorized and ratified in writing by not less than one-third of the legal electors of said district according to the number of votes cast at the last district election; nor shall any contract in excess of twenty-five thousand dollars be binding until such contract shall have been authorized and ratified at an election, in manner as is provided for the issue of bonds.

Acquirement
of water and
property rights
by district

Contract rati-
fied by voters

The said rules and regulations shall be printed in convenient form as soon as the same are adopted, for

Rules and regu-
lations printed

Water rights of
state not to be
relinquished

Lease of water

distribution in the district. All waters distributed shall be apportioned to each land owner pro rata to the lands assessed under this act within such district. But, however, all water which has been or is acquired by the district by virtue of the laws of Colorado may be distributed and apportioned according to the terms of any contract entered into between the district and the United States, until the obligation due the United States is paid or the obligation to pay is discharged in any manner; but nothing in this act contained shall be deemed or construed to grant or relinquish unto the United States any of the sovereign rights of the State of Colorado in and to the waters within its borders, or its exclusive authority over and jurisdiction and control of said waters, and the diversion, appropriation and use thereof, nor in any manner change the methods of appropriation thereof. The board of directors shall have power to lease or rent the use of water or contract for the delivery thereof to occupants of other lands within or without the said district at such prices and on such terms as they deem best, provided the rental shall not be less than one and one-half times the amount of the district tax for which said land would be liable if held as a freehold, and provided further no vested or prescriptive right to the use of such water shall attach to said land by virtue of such lease or such rental, provided that any land owner in said district may with the consent of the board of directors assign the right to the whole or any portion of the water so apportioned to him for any one year where practicable to any other bona fide land owner, to be used in said district for use on his land for said year, provided such owners shall have paid all amounts due on assessments upon all such lands.

The board of directors shall further have power to lease or rent the use of water or to contract for the delivery thereof to settlers upon or occupants of the public domain, whose entries shall not have been sub-ordinated

to the district thru compliance with the aforesaid act of Congress approved August 11, 1916, on the terms here above provided; *provided* that in such case the board of directors shall have the further power to make a contract on behalf of the district with such settler or occupant to the effect that such settler or occupant shall, upon receiving full title to his lands and upon the payment of his proportionate share of the bond assessments as provided in Section 35, include his lands within said district, and shall upon such inclusion be entitled to all the rights and privileges of a member of said district. Before the execution of such contract the board of directors shall cause notice of such contract to be given substantially as provided in Section 33 of this act, with such changes in the form of the notice as may be necessary, and a hearing upon said contract and all objections thereto shall be had as provided in Section 34 of this act. If upon said hearing the board of directors deem it not for the best interests of the district to execute said contract, they shall by order refuse to execute said contract; but if they deem it for the best interests of the district that said contract be executed, the board may execute said contract, and in such case said contract shall be valid and binding upon all parties thereto, and when the said settler or occupant shall have complied with said contract and obtained title to his lands, the board shall, upon proof of such compliance and obtaining of title, and without any further notice or hearing upon the matter, enter an order of inclusion of said lands as provided in Section 36 of this act; *provided*, if within thirty days from the execution of said contract, a majority of the qualified electors of the district protest in writing to said board against the execution of said contract, said contract shall be held for naught, and shall not be binding upon any party thereto.

Contracts with
entryman on
government
land

Protest against
contract by
electors

Section 5. That Section 3452 of the Revised Statutes of 1908 be and the same is hereby amended to read as follows:

Act amended

Title to
property

Section 3452. Property—Title—Section 288. The title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, in its corporate name, and shall be held by such district in trust for, and is hereby dedicated and set apart for the uses and purposes set forth in this act, and shall be exempt from all taxation, and said board is hereby authorized and empowered to hold, use and acquire, manage, occupy and possess said property as herein provided; *provided*, that when any district contemplated in this act shall find it necessary to procure and acquire a supply of water from outside the boundaries of this state, then and in such event it shall be lawful for said district to contract and pay for the same in the same manner as other property acquired by the district is purchased and paid for; *provided, further*, that any property acquired by the district may be conveyed to the United States in so far as the same may be needed for the construction, operation or maintenance of works by the United States for the benefit of the district under any contract that may be entered into by the United States pursuant to this chapter.

Contract for
water from
outside state

Property may
be conveyed
to U. S.

Section 6. That Section 3454 of the Revised Statutes of 1908 be and the same is hereby amended to read as follows:

Bonds

Section 3454. Bonds—Elections—Section 290. For the purpose of constructing or purchasing or acquiring necessary reservoir sites, reservoirs, water rights, canals, ditches and works, and acquiring the necessary property and rights therefor, for the assumption of indebtedness to the United States for district lands, for the purpose of paying the first year's interest upon the bonds herein authorized, and otherwise carrying out the provisions of this act, the board of directors of any such district shall, as soon as such district has been organized as may be practicable, estimate and determine the amount of money

necessary to be raised for such purposes, and shall forthwith call a special election, at which election shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question of whether or not the bonds of said district shall be issued in the amount so determined. A notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notice shall specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects as nearly as possible in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" and "Bonds—No," or words equivalent thereto. If a majority of the legal electors who are freeholders and taxpayers or entrymen qualified as in this chapter provided within said district have voted "Bonds—Yes," the board of directors shall immediately cause bonds in such amount to be issued and payable in series as follows, to-wit:

Election

Form of ballot

At the expiration of eleven years, not less than five per cent of the whole amount and number of said bonds; at the expiration of twelve years, not less than six per cent of the whole amount and number of said bonds; at the expiration of thirteen years, not less than seven per cent of the whole amount and number of said bonds; at the expiration of fourteen years, not less than eight per cent of the whole amount and number of said bonds; at the expiration of fifteen years, not less than nine per

Form and term of bonds

cent of the whole amount and number of said bonds; at the expiration of sixteen years, not less than ten per cent of the whole amount and number of said bonds; at the expiration of seventeen years, not less than eleven per cent of the whole amount and number of said bonds; at the expiration of eighteen years, not less than thirteen per cent of the whole amount and number of said bonds; at the expiration of nineteen years, not less than fifteen per cent of the whole amount and number of said bonds; at the expiration of twenty years, a percentage sufficient to pay off the remainder of said bonds; that the several enumerated percentages be of the entire amount of the bond issue; that each bond must be payable at the given time for its entire amount, and not for a percentage; that said bonds shall bear interest at the rate of not to exceed six per cent per annum, payable semi-annually on the first day of June and December of each year. The principal and interest shall be payable at the office of the County Treasurer of the county in which the organization of the district was effected as aforesaid, and at such other place as the board of directors may designate in such bond. Said bonds shall be each of the denomination of not less than one hundred dollars, nor more than five hundred dollars, and shall be negotiable in form, executed in the name of the district and signed by the president and secretary, and the seal of the district shall be affixed thereto. Bonds deposited with the United States may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations and may call for the repayment of the principal at such times as may be agreed upon between the district and the Secretary of the Interior, and where contract may likewise call for the repayment of the principal at such times as may be agreed upon. Said bonds shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond bearing the lithographed signatures of the president

Interest on
bonds

Coupons

and secretary. Said bonds shall express on their face that they are issued by the authority of this act, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received, and the name of the purchaser. *Provided*, any such district may, by a majority vote of the legal electors of said district, provide for the issuance of bonds that will mature in any number of years less than twenty, and arrange for the payment thereof, in series as above provided; *provided, further*, that when the money provided by any previous issue of bonds has become exhausted by expenditures herein authorized therefor, and it becomes necessary to raise additional money for such purposes, additional bonds may be issued submitting the question at special election to the qualified voters of said district, otherwise complying with the provisions of this section in respect to an original issue of such bonds; *provided, also*, the lien for taxes, for the payment of the interest and principal of any bond issue, or for any indebtedness under any contract with the United States with which bonds have not been deposited, shall be a prior lien to that of any subsequent bond issue, or under subsequent contract.

Previous bond
issues renewed

Priority of liens

If contract is proposed to be made with the United States and bonds are not to be deposited with the United States in connection therewith, the question to be submitted to the voters at such special election is whether contract shall be entered into with the United States. The notice of election shall state the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest, and the water rights and other property, if any, to be conveyed to the United States as in Section 3450 provided. The ballots for such election shall contain the words "Contract with the United States—Yes," and "Contract with the United States—No," or words equivalent thereto.

Procedure in
entering con-
tract with U. S.

Form of ballot

Act amended

Section 7. That Section 3456 of the Revised Statutes of 1908 be and the same is hereby amended to read as follows:

Payment of
interest, etc.

Section 3456. Bonds—Payment—Lien—Section 292. Said bonds, and the interest thereon, and all payments due or to become due to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States, shall be paid by revenue derived from an annual assessment upon the real property of the district, and the real property of the district shall be and remain liable to be assessed for such payments as herein provided. Public lands of the United States within any district shall be subject to taxation for all purposes of this act to the extent provided by the Act of Congress approved August 11, 1916, upon full compliance therewith by the district.

Act amended

Section 8. That Section 3457 of the Revised Statutes of 1908, as amended by Section 1 of Chapter 105 of the Laws of 1915, be and the same is hereby amended to read as follows:

Fiscal year

Section 3457. The fiscal year of each irrigation district in this state shall commence on the first day of January in each year. It shall be the duty of the board of directors on or before the 15th day of each October in each year to determine the amount of money required to meet the maintenance, operating and current expenses for the ensuing fiscal year and to certify by resolution to the County Commissioners of the county in which the office of the district is located said amount, together with such additional amount as may be necessary to meet any deficiency in the payment of said expenses theretofore incurred. The board of directors shall also fix the amount payable by each tract, within any district with which the United States has made a contract, and shall certify the same to the Board of County Commissioners as above

Directors fix
and certify
levy

provided, and the amount so fixed shall be in accordance with the federal reclamation laws, and the public notices, orders and regulations issued thereunder, and shall be in compliance with any contracts made by the United States with any owners of said lands and in compliance further with the contracts between the district and the United States. The obligation of every irrigation district contracting with the United States, however, under this act, shall be deemed a district debt. Said resolution shall be termed the Annual Appropriation Resolution for the next fiscal year, and no expenditure to be paid out of such fund shall exceed in any one year the amounts fixed for such expenses in the Annual Appropriation Resolution except as hereinafter provided.

Annual appro-
priation
resolution

Section 9. That Section 3458 of the Revised Statutes of Colorado of 1908, as amended by Section 1 of Chapter 106 of the Laws of 1915, be and the same is hereby amended to read as follows:

Act amended

Section 3458. Assessor—Assessment.—Section 294. It shall be the duty of the county assessor of any county embracing the whole or a part of any irrigation district, to assess and enter upon his records as assessor in its appropriate column, the assessment of all real estate, including public lands subject to assessment under the Act of August 11, 1916, exclusive of improvements, situate, lying and being within any irrigation district in whole or in part of such county. Immediately after said assessment shall have been extended as provided by law, the assessor shall make returns of the total amount of such assessment to the Board of County Commissioners of the county in which the office of said district is located. All lands within the district for the purpose of taxation under this act shall be valued by the assessor at the same rate per acre; *provided* that in no case shall any land be taxed, or subject to taxation, for irrigation district purposes under this act, or under any other or former

Duty of county
assessor

Return of
assessment

Lands exempt
from taxation

law relative to irrigation districts, which, by reason of location or the broken uneven surface, or unsuitable character or quality of the soil is unsuitable for irrigation and cultivation, or which, from any natural cause or causes, is not capable of irrigation and cultivation, except at a financial loss. If the amount of water available from the water system of the irrigation district shall be wholly insufficient for the successful growing and maturing of crops on the entire acreage of lands within the district and susceptible of irrigation therefrom, that fact may be alleged; and, upon being established by proofs, shall entitle the owner of lands that have never been cultivated and irrigated from the water system of such irrigation district to the relief provided for in this act. In all cases where any such land has heretofore been, or shall hereafter be, included in any irrigation district under the present existing, or any former, law relative to irrigation districts and assessed for irrigation district purposes, it may be excluded from such irrigation district and relieved from such assessments for irrigation district purposes, by order of the board of directors of the irrigation district, upon written petition of the owner, verified as pleadings are required to be verified. The petition shall state the ground or grounds upon which the relief is asked, and shall also show that the land has never been cultivated and irrigated and is incapable of cultivation by irrigation from the irrigation system of the irrigation district, and that the petitioner did not participate in the organization of the district; and, upon hearing before the board of directors on such petition, the allegations thereof must be supported by evidence. Notice of the filing of such petition and of the time and place of hearing thereon shall be given for the length of time and in the manner as provided in Section 3482 of the Revised Statutes of Colorado, of 1908. The action of the board of directors upon such petition, as well as the action of the Board of County Commissioners in including such land in such irri-

When lands
relieved from
taxation

Contents of pe-
tition for relief

Hearing on
petition

Notice

Review of
action on
petition

gation district and the subsequent taxing of such lands for irrigation district purposes, shall be subject to review and correction by any court of competent jurisdiction; *provided, further*, that the owner of any such land shall be deemed to have waived, relinquished and lost his right to relief under this section as to such land or such portion of it as he has cultivated and irrigated from the irrigation system of such irrigation district; that where contract shall have been entered into between the United States and any irrigation district the district boundaries shall not be changed, nor shall lands be exempted from taxation in the manner in this section provided, except upon written consent of the Secretary of the Interior filed with the official records of the district.

Waiver of rights

Exceptions

Section 10. That Section 3459 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Act amended

Section 3459. County Commissioners.—Section 295. It shall be the duty of the County Commissioners of the county in which is located the office of any irrigation district, immediately upon receipt of the returns of the total assessment of said district, and upon the receipt of the certificates of the board of directors certifying the total amount of money required to be raised as herein provided, to fix the rate of levy necessary to provide said amount of money, and to fix the rate necessary to provide the amount of money required to pay the interest and principal of the bonds of said district as the same shall become due; also, to fix the rate necessary to provide the amount of money required for any other purposes as in this act provided, and which are to be raised by the levy of assessments upon the real property of said district; and to certify said respective rates to the County Commissioners of each county embracing any portion of said district. The rate of levy necessary to raise the required amount of money on the assessed valuation of the property of said district shall be increased fifteen per cent to

Duty of County Commissioners to fix rate of levy

Delinquencies

Time of levy cover delinquencies. For the purposes of said district it shall be the duty of the County Commissioners of each county in which any irrigation district is located in whole or in part, at the time of making levy for county purposes, to make a levy, at the rates above specified, upon all real estate in said district within their respective counties, and in case of contract with the United States in the amounts and on the tracts as fixed and certified by the board of directors as prescribed in Section 3457. All taxes levied under this act are special taxes.

Act amended Section 11. That Section 3460 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

District Treasurer Section 3460. District Treasurer.—Section 296. The County Treasurer of the county in which is located the office of any irrigation district, shall be and is hereby constituted ex-officio district treasurer of said district, and said County Treasurer shall be liable upon his official bond and to indictment and criminal prosecution for malfeasance, misfeasance or failure to perform any duty herein prescribed as County Treasurer or District Treasurer, as is provided by law in other cases as County Treasurer. Said Treasurer shall collect, receive and receipt for all moneys belonging to said district. It shall be the duty of the County Treasurer of each county in which any irrigation district is located in whole or in part, to collect and receipt for all taxes levied as herein provided in the same manner and at the same time, and on the same receipt as is required in the collection of taxes upon real estate for county purposes; *provided, however,* that such County Treasurer shall receive in payment of the general fund tax above mentioned for the year in which said taxes were levied, warrants drawn against said general fund the same as so much lawful money of the United States, if such warrant does not exceed the amount of the general fund tax which the

Duties

person tendering the same owes; *provided, further*, that such County Treasurer shall receive in payment of the district bond and United States contract fund taxes above mentioned for the year in which said taxes were levied, interest coupons or bonds of said irrigation district maturing within the year the same as so much lawful money of the United States, if such interest coupons or bonds do not exceed the amount of the district bond and United States contract fund tax which the person tendering the same owes. The County Treasurer of each county comprising a portion only of the irrigation district, excepting the County Treasurer of the county in which the office of said district is located, shall on the first Monday of every month remit to the District Treasurer aforesaid all moneys, warrants, coupons, or bonds theretofore collected or received by him on account of said district. Every County Treasurer shall keep a bond and United States contract fund account and a general fund account. The bond and United States Contract Fund account shall consist of all moneys received on account of interest and principal of bonds issued by said district, and on account of any and all payments due or to become due the United States under any contract between the district and the United States, said accounts for interest and principal shall be kept separate. The general fund shall consist of all other moneys or general fund warrants received by the collection of taxes or otherwise. The District Treasurer aforesaid shall pay out of said bond and United States contract fund, when due, the interest and principal of the bonds of said district, at the time and place specified in said bonds, and all payments due to the United States under any contract between the district and the United States, at the time and in the manner provided in such contract, and shall pay out of said general fund only upon the order of the district, signed by the president and countersigned by the secretary of said district as herein provided. The District Treasurer, on

Coupons and
bonds legal
tender

County Treas-
urer to remit to
District
Treasurer

Accounts to be
kept separate

Report of
Treasurer

the fifteenth day of each month, shall report to the secretary of the district the amount of money in his hands to the credit of the respective funds above provided; the amount of warrants paid during the previous month, and the amount of registered warrants if there be any. All such district taxes collected and paid to the County Treasurers as aforesaid shall be received by said Treasurers, in their official capacity, and they shall be responsible for the safe-keeping, disbursement and payment thereof the same as for other moneys collected by them as such treasurers; *provided*, said County Treasurer shall receive as his sole compensation for the collection of such taxes, such amount as the board of directors may allow, to be not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), which compensation shall be considered as a part of the regular salary of such County Treasurer as provided by law.

Compensation
of Treasurer

Act amended

Section 12. That Section 3462 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Construction

Publication
notice

Section 3462. Construction—Contracts.—Section 298. After adopting a plan for the construction of canals, reservoirs, and works, the board of directors shall give notice, by publication thereof, not less than twenty days in a newspaper published in each of the counties into which any such irrigation district extends, provided a newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work or any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and the place for opening the proposals, which at said time and place shall be opened in public, and

as soon as convenient thereafter the board shall let said work, either in portions, or as a whole, to the lowest responsible bidder, or they may reject any or all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for not less than ten per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer in charge, and be approved by the board. *Provided*, that the provisions of this section shall not apply in the case of any contract between the district and the United States. And *provided, further*, that before any contract for construction work shall be entered into between the United States and the district, plans and specifications covering the proposed work shall be prepared and filed with the secretary of the district.

Contracts

Exceptions

Section 13. That Section 3470 of the Revised Statutes of 1908 be and the same is hereby amended to read as follows:

Act amended

Section 3470. Boundaries—Change of—Effect.—Section 306. The boundaries of any irrigation district now or hereafter organized under the provisions of this act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had such change of its boundaries not been made; *provided*, that in case contract has been made between the district and the United States as in Section 3450 provided, no

Boundaries

Change of

Exceptions

change shall be made in the boundaries of the district and the board of directors shall make no order changing the boundaries of the district until the Secretary of the Interior shall assent thereto in writing and such assent be filed with the board of directors.

Act amended

Section 14. That Section 3474 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Payment by
petitioners

Section 3474. Payment—Section 310. The board of directors, to whom such petition is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated by the board, as said petitioners or their granters would have been required to pay to such district as assessments for the payment of its pro rata share of all bonds and the interest thereon, which may have previously thereto been issued by said district, or for the payment of the pro rata share of the cost of construction under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in this chapter provided, had such lands been included in such district at the time the same was originally formed or when said bonds were so issued, or when said contract with the United States was executed; *provided*, that in case unentered public land is proposed to be annexed to the district the board of directors of the district instead of requiring such payment as a condition precedent may assess such charge against such unentered public land upon the records of the district to be collected in the manner authorized by the said Act of Congress of August 11, 1916.

Act amended

Section 15. That Section 3484 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Section 3484. Same—Orders—Section 320. The board of directors, if they deem it not for the best interest of the district that the lands mentioned, in the petition or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interest of the district that the lands mentioned, in the petition, or some portion thereof, be excluded from the district, and if there are no outstanding bonds of the district, then the board may order the lands mentioned in the petition, or some defined portion thereof, to be excluded from the district. *Provided*, if within thirty days from the making of such order, a majority of the qualified electors of the district protest in writing to said board against the exclusion of such lands from said district, said order shall be held for naught and such lands shall not be excluded therefrom. *Provided, further*, that in case contract has been made between the district and the United States no change shall be made in the boundaries of the district unless the Secretary of the Interior shall assent thereto in writing and such assent be filed with the board of directors. Upon such assent any lands excluded from the district shall be discharged from all liens in favor of the United States under contract with the United States or under bonds deposited with its agents.

Board may
deny petition

Electors protest

Procedure in
case of contract
with U. S.

Section 16. That Section 3489 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Act amended

Section 3489. Judicial examination and confirmation.—Section 325. The board of directors of an irrigation district organized under the provisions of this act may commence special proceedings, in and by which the proceedings of said board and of said district providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not been sold, or disposed of, may be judicially examined, approved and confirmed. Special proceedings may be

Judicial exami-
nation and
confirmation

commenced by which the proceedings of the district providing for the authorization of contract with the United States and the validity of said contract whether or not the said contract shall have been executed may be judicially examined, approved and confirmed.

Act amended

Section 17. That Section 3490 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Petition

Section 3490. Same—Petition—Section 326. The board of directors of the irrigation district shall file in the district court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying in effect, that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States as the case may be, and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Contents of
petition

Act amended

Section 18. That Section 3491 of the Revised Statutes of 1908 be and the same is hereby amended to read as follows:

Notice of
hearing

Section 3491. Same—Notice of Hearing—Section 327. The court shall fix the time for the hearing of said petition and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published for three successive weeks in a newspaper published in the county where the office of the district is situated. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petitioners, and that any person interested in the organization of said district or in the proceedings for the issue or sale of said bonds, or in the making of contract with the United States, may, on or

before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district, (giving its name) praying that the proceedings for the issue and sale of said bonds of said district, or that the proceedings for the authorization of contract with the United States and the validity thereof, may be examined, approved and confirmed by the court.

Section 19. That Section 3492 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Act amended

Section 3492. Same—Answer—Pleading—Section 328. Any person interested in said district, or in the issue or sale of said bonds, or in the making of contract with the United States, may demur to or answer said petition. The provisions of the Code of Civil Procedure respecting the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to said petition. The person so demurring and answering said petition shall be the defendant to the special proceeding, and the board of directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer shall, for the purpose of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice relating to appeals and writs of error provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to the special proceedings herein provided for.

Answer

Pleading

Section 20. That Section 3493 of the Revised Statutes of 1908, be and the same is hereby amended to read as follows:

Act amended

Section 3493. Same—Determination—Costs—Section 329. Upon the hearing of such special proceeding the

Determination court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner in this act prescribed, and shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of said act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order of the sale and the sale thereof, and all of the proceedings, if any, for the authorization of contract with the United States and the terms of said contract. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings; and the court may by decree approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The costs of the special proceedings may be allowed and apportioned between the parties, in the discretion of the court.

Costs

Act amended Section 21. That Section 3 of Chapter 107 of the Laws of 1915, be and the same is hereby amended to read as follows:

Directors call special election Section 3. Upon the filing of said petition with the board of directors of said district, said board shall call a special election, at which shall be submitted to the qualified electors of such district, the question whether or not said district shall be dissolved, its indebtedness liquidated and its assets distributed in accordance with the plan so proposed, or in case no plan has been proposed, then in accordance with a plan which shall be proposed by said board of directors in the notice of the election, but no such election shall be called until the assent of all holders of valid indebtedness against the district known to the directors, shall be obtained, or provision

shall be made in said plan for the ultimate payment or liquidation of the claims of such non-assenting holders.

Provided, that action shall not be taken upon said petition and said election called, in case contract has been made between the district and the United States, until the Secretary of the Interior shall have assented thereto in writing and such assent be filed with the board of directors. Notice of such election must be given in the same manner and for the same time as notice of election of directors of an irrigation district under the laws of the State of Colorado. Such notice must specify the time of holding the election, the fact that it is proposed to dissolve the district and a brief summary of the plan proposed for liquidating all its indebtedness and disposing of its assets. Such election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of directors in irrigation districts. At such election the ballot shall contain the words, "Dissolution of the District—Yes," and "Dissolution of the District —No," or words equivalent thereto.

Procedure in
case of contract
with U. S.

Notice of
election

Form of ballot

Section 22. In the opinion of the General Assembly an emergency exists in regard to the matters provided for in this bill, and therefore, this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: April 17, 1917.

CHAPTER 84.

IRRIGATION DISTRICTS
REFUND OF UNUSED REVENUES

(S. B. No. 409, by Senator Eaton and Mr. Scott)

AN ACT

**TO PROVIDE FOR THE REFUNDING TO THE TAXPAYERS
OF DISSOLVED IRRIGATION DISTRICTS THE UNUSED
REVENUES OF THE DISTRICT.**

Be It Enacted by the General Assembly of the State of Colorado:

County Treas-
urer to refund
unused taxes

Section 1. That all taxes heretofore assessed and collected for District purposes upon the taxable property of any irrigation district which has heretofore been dissolved, remaining in the hands of the County Treasurer of the County in which such district was situated at the time of the dissolution thereof or thereafter collected by such County Treasurer, after all debts and obligations of such dissolved district were paid and fully satisfied, shall be distributed by such County Treasurer to the tax-payers of said District upon the last assessment roll prior to such dissolution in proportion to which each has contributed to the total amount of taxes paid under such assessment; and in event of the failure and neglect of such treasurer to refund to such taxpayers the unexpended revenues remaining in his hands at the time of the dissolution of said district or thereafter collected to such taxpayers, then any one or more of such taxpayers may bring an action to recover the same for and on behalf of all taxpayers interested in the refunding of said revenue.

Section 2. This act shall only apply to such irrigation districts as were heretofore dissolved prior to an act entitled "An Act to Provide for the Dissolution of Irrigation Districts, the Ascertainment and Discharge of their Indebtedness and the Distribution of their Property, and to Repeal all Acts or parts of Acts in Conflict herewith." Approved April 12, 1915, becoming in full force and effect.

Approved: April 14, 1917.

CHAPTER 85.

IRRIGATION DISTRICTS
REFUNDING BONDS—CANCELLATION

(H. B. No. 339, by Mr. Canon)

AN ACT

TO AMEND SECTION 5 OF AN ACT ENTITLED "AN ACT FOR THE REFUNDING OF IRRIGATION DISTRICT BONDS, AND TO REPEAL AN ACT ENTITLED 'AN ACT FOR THE REFUNDING OF IRRIGATION DISTRICT BONDS,' APPROVED MARCH 14, 1913," APPROVED MARCH 6, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Acts repealed
and amended

Section 1. That Section five of an act entitled "An act for the refunding of irrigation district bonds, and to repeal an act entitled 'An act for the refunding of irrigation district bonds,' approved March 14, 1913", approved March 6, 1915, be and the same is hereby amended to read as follows:

Registration
of bonds

Section 5. At the time of the issue by exchange or sale, of refunding bonds authorized under the provisions of this act, each bond shall be registered by the County Treasurer who is the ex-officio district treasurer, in a book to be kept by him for such purpose, and interest on said bonds shall begin to run only from the date of the maturity of the last coupon detached prior to the date of such registration. Coupons past due shall be detached and cancelled. Each bond, so registered, shall have endorsed thereon the treasurer's certificate of such registration; and only such bonds so certified shall be valid; but

Coupons past
due cancelled

Duties of
Treasurer

such certificate shall be conclusive evidence that the bond so certified has been duly issued in full conformity with the provisions of this act. Immediately upon the registration of any refunding bond as aforesaid, the treasurer shall certify the fact to the Board of County Commissioners of the county in which the office of the district is located, in order that the requisite tax levies may be made in due course, as herein provided, to meet the maturing interest upon and principal of such bonds.

At any time after any of said refunding bonds have been registered, the owner of any tract or tracts of land in such irrigation district may ascertain the proportionate share of the liability of such land for taxation in payment of the total amount of the refunding bonds so registered up to said time, by presenting to the treasurer of the district a certificate from the County Assessor, stating the total acreage of said district and the total amount of acreage in such tract or tracts of land owned by said applicant and included in the district, and subject to taxation for irrigation district purposes. Upon presentation of such certificate to the treasurer of the district, the said treasurer shall ascertain the proportionate share due and to become due from said land owner by dividing the total amount of refunding bonds theretofore registered by the total acreage in the district and multiplying the quotient by the number of acres in the tract or tracts of land owned by the applicant, as shown by the certificate of the assessor, and shall add thereto fifteen per cent of such amount and such additional amount as will make the total one hundred dollars or a multiple thereof.

Proportionate
share of liability—how
ascertained

At any time after said ascertainment of the amount owing by the applicant for the principal of such registered refunding bonds, the applicant may relieve his land from taxation for the payment of the interest and principal of such registered refunding bonds by tendering to the treasurer of the district for cancellation registered refunding bonds, the principal of which is equal to the

Relief from
taxation by
paying lump
sum

amount so ascertained by the treasurer of the district. *Provided*, that all irrigation district taxes levied and assessed prior to such tender have been paid by the applicant. *Provided, further*, that if the applicant has paid taxes on said land for the payment of principal of any such registered refunding bonds, then the amount of such taxes paid for the principal shall be deducted from the amount of the bonds to be tendered by him. *Provided, further*, that if the applicant has once relieved his land from taxation for the payment of registered refunding bonds theretofore issued, and thereafter other refunding bonds are issued and registered, he may again relieve his land from taxation for the payment of such further registered refunding bonds in the manner herein provided.

**Duty of County
Treasurer**

Upon the surrender of the amount of bonds ascertained in the manner hereinbefore provided, the County Treasurer of the County in which the applicant's lands are situated, shall receive said bonds in payment of said amount, and said tract or tracts of land shall thereafter be forever relieved from taxation for the payment of the refunding bonds issued and registered prior to the date of such payment, and the said County Treasurer shall thereupon make a certificate in triplicate to that effect, one of which certificates shall be retained in his office, one lodged in the County Assessor's office, and one filed with the Board of County Commissioners of the county in which the land is located and recorded in the County Clerk and Recorder's office, and said Board of County Commissioners and County Assessor shall thereafter refrain from returning said tract or tracts of land for taxes for the principal and interest of such refunding bond-registered at or prior to the time of such payment.

**Emergency
clause**

Section 2. In the opinion of the General Assembly an emergency exists, and therefore this act shall take effect from and after its passage.

Approved: March 30, 1917.

CHAPTER 86.

IRRIGATION DISTRICTS
SALE OF WATER RIGHTS AND PROPERTY

(H. B. No. 45, by Mr. Laube and Senator West)

AN ACT**FOR THE SALE OF THE DAMS, RESERVOIRS, CANALS,
FRANCHISES, WATER RIGHTS AND OTHER PROPERTY
OF IRRIGATION DISTRICTS.***Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. The board of directors of any irrigation district may sell or dispose of any part or all of the irrigation works, franchises, water rights or other property of the district when authorized so to do by the vote of a two-thirds majority of the legally qualified electors of the district, in the manner and upon the conditions hereinafter provided, and the authority so vested in the board of directors shall be and remain effective until such sale shall be fully consummated, unless previously revoked by the vote of a majority of the electors of the district or such sale shall fail by act of the purchase.

Sale of irrigation district property**How authorized**

Section 2. Whenever it is desired to sell property of the district the board of directors shall, by resolution entered in the minutes of their proceedings, submit such questions to the qualified voters of said district at a special election of district called for such purpose or at a general district election when noticed as herein provided. The notice of said election shall be published and posted for the same length of time and in the same manner and the election shall be conducted the same as

Submission to voters**Notice**

**Contents of
notice**

in case of an election for an original issue of bonds. Said notice shall also contain a general description of the property, or interest therein, to be sold, the conditions of the terms of sale, the time and manner of payment and such other information as may be necessary to fully advise the voters of the facts together with the substance of any plan proposed to carry the same into execution and any settlement with the bondholders of the district, or any proposed contract may be published in full. The ballot shall contain such appropriate words as shall enable the electors to indicate their approval or disapproval of the propositions submitted. The returns shall be canvassed and the statements of the results of said election shall be entered and filed in the same manner as in case of original issue of bonds. Two or more propositions may be submitted at the same election.

Canvass of vote**Proceedings to
decide validity
of sale**

Section 3. In case, upon the canvass of a vote at such election, it is found and declared by said Board of Directors that a majority of the votes cast at such election have been cast in favor of selling all or part of the dams, reservoirs, canals, franchises, water rights and other property of the district, then the said Board of Directors may file a petition in the District Court of the county wherein is located the office of such board to determine the validity of the proceedings had for the sale of the dams, reservoirs, canals, franchises, water rights and other property of such district. The same petition shall set forth the same facts required to be given in the notice of election. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of a notice of the pendency of such action at least once a week for three weeks in some paper of general circulation published in the county and district where the action is pending; *provided*, that if the district is situated in more than one county, then the publication shall be made in one paper in each county where the same

Publication

is situated, said paper or papers to be designated by the judge of the court having jurisdiction of the proceedings; or the court may provide for notice by posting not less than thirty days before the date set for hearing such petition in any county where no paper is published. Jurisdiction shall be complete in thirty days after the posting or last publication of such notice in the manner herein provided. Such notice shall be directed as follows: To all holders of indebtedness of the.....Irrigation District (inserting the name of the district whose property is to be sold, etc.); to all land owners within said district, and to all others interested in the proposed sale of the dams, reservoirs, canals, franchises, water rights and other property of said irrigation district," and said notice shall state the filing of said petition by the Board of Directors, the date of filing said petition, and the court in which filed, and shall further state that the object of such petition is to obtain the sale of said dams, reservoirs, canals, franchises, water rights and other property of the district briefly described in the same, and shall give the date set by the court for the hearing of said petition. Anyone interested may at or before the time set for the hearing of said petition appear and file written objections to such petition, and may at the time set for the hearing of said petition appear and contest the validity of the proceedings already had, and of the plan proposed for the sale of the dams, reservoirs, canals, franchises, water rights and other property of the district or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, if any, and the court shall at the one hearing determine the amount of indebtedness of said district, and may determine the validity of any portion thereof, and may in said proceeding adjust and determine the rights and liabilities of all parties, and decree an adoption and execution of the proposed plan. Such action shall be speedily tried and judgment rendered. At the hearing the court shall hear and determine

Jurisdiction

Form of notice
to holders of
indebtednessContents of
notice

Objections

Court proceedings

Appeals

the regularity, legality and correctness of all proceedings and in doing so shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure and in the rules of the Supreme Court not inconsistent with the provisions of this act are made applicable to the proceedings herein provided. Any party or parties shall have the right to sue out a writ of error to the Supreme Court within ninety (90) days after the entering of final decree by the District Court and the case shall be advanced on the docket of the Supreme Court and disposed of with all convenient speed. Unless such writ of error is sued out as herein provided, the decree entered in said case by the District Court shall be final and binding upon all parties interested in said district, whether as officers, electors, landowners, creditors, or otherwise. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party, in the discretion of the court, and no contest of any matter or thing herein provided for shall be made other than in the time and manner herein specified.

Costs

Elector may
bring proceedings to test
validity

Section 4. If no such proceedings shall have been filed by the Board of Directors within thirty days after the canvass of said vote, then any qualified elector of the district may bring an action in the District Court of the county wherein the office of the Board of Directors is located. The Board of Directors shall be made parties defendant and notice shall be served on the members of the board personally, if they can be found in the county, if not, then service by publication as provided hereinbefore shall be sufficient. Proceedings shall be had in the same manner and with the same effect as if brought by the Board of Directors.

Sale

Section 5. The sale herein provided for may be made to any person or persons, to a corporation organized under the laws of the State of Colorado, or may be made

to the United States, but no sale of water rights shall in any manner impair or be deemed to relinquish any of the sovereign rights of the State of Colorado in the waters of the state or to control and regulate the diversion, use and distribution thereof.

Section 6. The court in its decree shall have power to make the orders necessary to carry out said proposition or plan for the sale of the dams, reservoirs, canals, franchises, water rights or other property of the district; *provided*, no plan for the sale of the entire property of irrigation districts, and including the dams, reservoirs, canals, franchises, water rights, and other property of the district shall be approved by the court which does not provide for the ultimate payment or liquidation of all the indebtedness of the district and adequate security for the holders thereof, and as well protect the land-owners of said district.

Court decree

Section 7. This act shall be liberally construed to carry out the intent and purpose and nothing herein contained shall be held to curtail, or abridge the powers of the district officers, or the boards of county commissioners or of the revenue officers of the state in the assessment, levy or collection of irrigation district taxes, or in any other particular; all such powers are expressly retained and in addition thereto such officers shall have all powers necessary or proper to enable them to fully carry out the provisions of this act. The procedure herein provided shall not be deemed to affect any liens for unpaid taxes or assessments which have been duly levied and assessed, existing at the time of the filing of the petition in the District Court; *provided*, that nothing in this act or the procedure herein provided for, shall be construed in any manner to either impair, enlarge or give additional rights or powers to the holders of bonds or other evidences of district indebtedness. The Board of Directors of the district shall have the right to sell or otherwise dispose of

Construction of act

any of the personal property of the district in the ordinary course of business, and nothing in this act shall be taken or held to interfere with such right.

**Distribution of
proceeds**

Section 8. Whenever all of the property of any irrigation district shall have been disposed of, and all of the indebtedness and obligations thereof, if any, shall have been discharged, the balance of the money of said district shall be distributed to the land-owners in said district upon the last assessment roll in the proportion in which each acre of land has contributed to the total amount of said assessments.

Validity of act

Section 9. If any part, section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each and every part, section, sentence, clause or phrase, irrespective of the fact that any one or more other parts, sections, sentences, clauses or phrases be declared unconstitutional.

**Repealing
clause**

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: April 17, 1917.

CHAPTER 87.

IRRIGATION DIVISION ENGINEERS
SALARIES—EXPENSES

(S. B. No. 102, by Senator Kluge and Mr. Horton)

AN ACT

ENTITLED, AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING IRRIGATION DIVISION ENGINEERS, AND OTHER IRRIGATION OFFICIALS, AND REPEALING ALL ACTS IN CONFLICT HEREWITH," APPROVED MAY 5, 1911, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 7 of said Act is hereby Act amended
amended and re-enacted so as to read as follows:

Section 7. The Division Engineers for each of the Salaries
Divisions No. 1 and No. 2 shall receive a salary of two thousand five hundred dollars (\$2,500) and the Division Engineer for each of Divisions No. 3, No. 4 and No. 5 shall receive a salary of two thousand one hundred dollars (\$2,100) per annum, payable monthly in equal installments, upon vouchers approved by the State Engineer, drawn upon the Auditor of State by whom warrants shall be drawn upon the State Treasurer therefor. He shall also receive reimbursement for all actual and necessary expenses incurred in the performance of his duties, which expenses shall not exceed the sum of five hundred dollars (\$500.00) per annum, and such expenses shall be paid monthly upon vouchers approved by the State En- Traveling and necessary expense

gineer, drawn upon the Auditor of State, by whom warrants shall be drawn upon the State Treasurer therefor.

Repealing
clause

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Safety clause

Section 3. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public health and safety.

Approved: April 10, 1917.

CHAPTER 88.

JUDGMENTS AND EXECUTIONS

TIME LIMITATION

(S. B. No. 62, by Senator Knauss)

AN ACT

RELATING TO JUDGMENTS AND EXECUTIONS, AND TO
AMEND SECTION 3609 OF THE REVISED STATUTES OF
COLORADO, 1908, AND TO REPEAL ALL ACTS AND
PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 3609 of the Statutes of Colorado, 1908, be, and the same is hereby, amended to read as follows:

Act amended

"Section 3609—Sec. 2. All and singular the goods and chattels, lands, tenements and real estate of every person against whom any judgment shall be obtained in any court of record, either at law or in equity, for any debt, damages, costs or any other sum of money, shall be liable to be sold on execution to be issued upon such judgment; and the transcript of the docket entry of any judgment in the judgment docket, certified by the clerk, may be filed with the Recorder of any county; and from the time of filing such transcript the judgment shall become a lien upon all the real property of such judgment debtor, not exempt from execution in such county, owned by him, or which he may afterwards acquire, until said lien expires.

Property
subject to
executionTranscript of
judgment
filed

The lien shall continue for six years from the entry of judgment, unless the judgment be previously satisfied;

Term of
lien

provided that in case the party in whose favor any such judgment shall have been entered, shall be restrained by an injunction out of chancery or order of any judge or court, either from issuing execution or selling thereon, and shall have filed for record in the office of the Recorder of the county in which such transcript of judgment has been filed, a copy of said injunction or order, duly certified under the seal of the court in which the same was rendered, then and in such event and from the time of the filing of such certified copy, the time during which he shall be so restrained shall not be deemed or considered as any part of said six years; and, *provided further*, that execution may issue on such judgment, to enforce the same, at any time within twenty years from the entry thereof, but not afterwards, unless revived as provided by law, and from and after twenty years from the entry of final judgment in any court of this state, the same shall be considered as satisfied in full, unless revived as provided by law. The term real estate in this section, shall be construed to include all interests of the defendant, or any person to his use held or claimed by virtue of any deed, bond, covenant, or otherwise, for a conveyance or as mortgagor of lands in fee, for life, or for years.

Execution may
issue any time
within twenty
years

Approved: April 6, 1917.

CHAPTER 89.

JUDGMENTS—INTEREST ON
REPEALING SECTION 3624 R. S. 1908

(S. B. No. 434, by Senator Eaton)

AN ACT

TO REPEAL SECTION 3624 OF THE REVISED STATUTES OF COLORADO, 1908, CONCERNING INTEREST ON JUDGMENTS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 3624 of the Revised Statutes of Colorado, 1908, be and the same is hereby repealed. Act repealed

Approved: April 10, 1917.

CHAPTER 90.

JURORS

PEREMPTORY CHALLENGES

(S. B. No. 283, by Senators Mitten and Andrew and Mr. Scott)

AN ACT

TO AMEND SECTION 3692 OF THE REVISED STATUTES OF COLORADO, 1908, CONCERNING PEREMPTORY CHALLENGES TO JURORS IN CRIMINAL CASES.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 3692 of the Revised Statutes of Colorado, 1908, is hereby amended to read as follows:

Number of
challenges in
criminal cases

“Section 3692. In the trial of criminal cases the people and the accused, when there is but one defendant, shall each be entitled to fifteen peremptory challenges in capital cases, in all other cases where the punishment may be by imprisonment in the penitentiary to ten peremptory challenges, and in all other cases to three peremptory challenges.

Additional
challenges—
when

If there be more than one defendant, each side shall be entitled to an additional three peremptory challenges for every defendant after the first in capital cases, but not exceeding thirty peremptory challenges to each side; in all other cases, where the punishment may be by imprisonment in the penitentiary, to two additional peremptory challenges for every defendant after the first, not exceeding twenty peremptory challenges to each side; and in all other cases to one additional peremptory challenge for every defendant after the first; not exceeding ten per-

emptory challenges to each side; and in any cause where there are more defendants than one every such peremptory challenge shall be made and considered as the joint peremptory challenge of all defendants. In case of the consolidation of any indictments or information for trial, such consolidated causes shall be held and considered, for all the purposes of exercising peremptory challenges, as though the defendants had been joined in the same indictment or information."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing
clause

Section 3. The General Assembly hereby declares Safety clause
that this Act is necessary for the immediate preservation
of the public safety.

Approved: March 30, 1917.

CHAPTER 91.

JURY COMMISSIONER
APPOINTMENT—POWERS AND DUTIES

(H. B. No. 521, by Messrs. Torbit and Wilson)

AN ACT

RELATING TO PETIT JURORS, PROVIDING FOR THE SELECTION OF JURORS AND TERMS OF SERVICE THEREOF IN COUNTIES WITH A POPULATION OF MORE THAN 40,000 AND LESS THAN 100,000 INHABITANTS, AND PROVIDING CERTAIN PENALTIES.

Be It Enacted by the General Assembly of the State of Colorado:

Appointment
of Jury
Commissioner

Section 1. Appointment; Term of Office and Compensation.—In every county in this state now containing, or which may hereafter contain more than forty thousand and less than one hundred thousand inhabitants, as shown by the last census, either state or federal, of the inhabitants of this state, the judges of the several courts of record of such county shall constitute a Board for the purposes herein specified, and they, or a majority of them, shall choose and appoint a competent and discreet elector to be a Jury Commissioner for said county, and the appointment of such competent and discreet elector shall be in writing, signed by a majority of said Board, and be filed in the office of the County Clerk and Recorder. The term of office of such Commissioner shall expire on the 31st day of December in the year next succeeding the year in which he shall have been appointed, but he shall hold office until his successor shall be appointed and qualified. Such Commissioner shall, in counties now containing the

Term of office

When chosen

required number of inhabitants, be chosen within fifteen days after this act shall take effect, and in counties hereafter containing the required number of inhabitants such Commissioner shall be chosen on the first Monday of July after it shall have been determined by the past preceding census that the inhabitants of such county are of the number required.

Section 2. Bond; Salary and Expenses.—Before entering upon the discharge of his duties the Commissioner shall execute a bond to the People of the State of Colorado in a sum to be fixed by the appointing board, not less than two thousand dollars nor more than three thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by said Board and filed in the office of the County Clerk and Recorder, and the Jury Commissioner shall qualify and enter upon the discharge of his duties within five days from the time he is appointed. The Jury Commissioner so appointed shall receive as compensation the sum of twenty-five dollars for each calendar month, payable out of the ordinary revenue of the county. The Jury Commissioner shall be empowered to administer an oath or affirmation in relation to any matter embraced within the provisions of this act, and shall keep a record of all of the proceedings of his office.

Bond

Compensation

Keep record

Section 3. Assistance of County Officers.—The County Commissioners, County Treasurer, County Clerk and Recorder and Assessor shall render to such Jury Commissioner all the assistance in their power to enable him to procure the names of all persons in the county qualified to serve as petit jurors, and for said purpose shall give said Jury Commissioner access to all books, records and papers in their respective offices, and any of the foregoing officers who shall refuse or fail to furnish to the Jury Commissioner such assistance within a reasonable time after having been requested so to do by him, as herein

Assistance of
county officersPenalty for
refusal to
assist

provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than one thousand dollars for each offense.

**Preparation of
petit jury list**

Section 4. Preparation of Petit Jury List; Notice; Hearing.—Immediately upon his appointment the Jury Commissioner shall prepare a list of persons in his county who are qualified by law to serve as petit jurors, and not exempt from jury service. Such jury list shall include not less than two such persons for every one hundred inhabitants of said county and not more than two such persons for every seventy-five of said inhabitants, according to the latest census, state or federal. The names on said jury list shall be entered alphabetically in a suitable book or books, together with the occupation and place of residence of each person named on said list, and his place of business, if any.

**Examination
form**

Section 5. Exemption; Penalties.—The Jury Commissioner shall have the power to mail to all persons, whom he shall from time to time ascertain or believe to be qualified for jury duty in such county, an examination form, or a list of pertinent and necessary questions to be answered in writing, respecting the name, age, occupation, residence, and such other facts as may show whether a person is qualified to serve as a juror; and to summon before him all such persons at a time not less than three days from the day of service of said summons, at his office in such county, or at such place in the town or city where the person so summoned resides as the Jury Commissioner shall deem expedient; and to examine any such person under oath as to his own liability and qualifications of any other person, to serve as a juror. A person to whom such form or list shall be mailed or who shall be so notified shall make and return truthful answers to the questions mailed to him, or shall attend and testify, if summoned. If any such person shall fail to return truthful answers to the questions mailed to him, or to attend as

Examination

**Penalty for
failure to make
proper returns**

specified in the summons, for any cause except physical inability, or other cause satisfactory to the Commissioner, or, if he shall refuse to be sworn or to answer any question lawfully put to him by the Jury Commissioner, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each such failure or refusal. One or more summons may be served upon the same person, when he shall fail to attend as required by a former summons, and he shall be liable to the same penalty for each failure so to attend. The Commissioner may, in his discretion, dispense with the personal attendance of a person so summoned, when another person having knowledge of the facts is produced and testifies in his stead. And a person shall not be required so to attend more than twice during the same year.

When personal
attendance not
required

Section 6. Office Where Kept; Public Record.—The offices of the Clerk of the District Court shall hereafter be the office of the Jury Commissioner, and the book or books containing the jury list shall be kept in the office of the Jury Commissioner, and shall be open to public inspection. A new list of jurors shall be made by the Jury Commissioner each year, in the manner herein provided, or oftener if the appointing board shall, in writing, so order.

Office—where
kept

Public record

Section 7. Ballots; Drawing.—When such jury list has been made up the Jury Commissioner shall cause the name and the residence of each person thereon to be written or printed upon a separate slip of paper. These slips shall be uniform and shall be so folded as not to permit the writing or printing thereon to be seen. The Jury Commissioner shall, in the presence of one or more members of the appointing board, deposit these slips in a box prepared therefor, and the Jury Commissioner, and one or more of the members of the appointing board, shall lock and seal, each using his own separate seal, and deliver said

Ballots

box to the Jury Commissioner to be held by him in accordance with the provisions of this act, and from it, or the names remaining therein, all petit jurors for service in courts of record in such county shall thereafter be drawn; *provided, however*, that in cases of need, persons whose names are not in said box, as well as persons whose names are contained therein, may be summoned upon an open venire according to law. The several courts of record, or any judge thereof, shall from time to time signify to the clerk of such court the number of jurors required to be summoned and said clerk shall then notify in writing, the Jury Commissioner the number of jurors required and the Jury Commissioner in the presence of one or more members of the appointing board, shall open the box and draw the required number of names and certify the same to the sheriff, who shall summon them for jury as hereinafter provided. Said box shall be cylindrical in form, of adequate size, suspended in a suitable frame, and so devised as to be turned with a crank, and thoroughly to mix the slips. Inside the box there shall be affixed to spokes surrounding the axle stationary rods extending out nearly to the rim. Said box shall be provided with an opening only large enough to admit a man's hand; The Commissioner, before drawing therefrom, shall turn the crank a sufficient number of times thoroughly to mix the slips. He shall then, without seeing the names on any slip, draw out of the box one slip, and continue to draw in like manner, one slip at a time, until the required number has been drawn. When the drawing is finished, the box shall be locked and sealed by the Jury Commissioner and one or more members of the appointing board, each using his own separate seal, and shall not again be opened nor the seal broken until another drawing, except in pursuance of law. All drawings of jurors under the provisions of this act shall take place not more than ten days before the time the jurors are summoned to attend for service. At the close of each term of court

Open venire in
emergency
cases

Drawing

Form of box

Manner of
drawing

the clerk of the several courts shall immediately certify to the Jury Commissioner the names of all persons impaneled at said term and the names of all persons excused from jury service during said term with a statement of the causes for which they were excused.

Section 8. How Jurors Summoned.—Jurors selected according to the provisions of this act shall be summoned to attend upon the court by writ of *venire facias*, directed to the Jury Commissioner of the proper county in the manner heretofore practiced, and such writs may be made returnable upon any day of the term, as the court or judge thereof shall direct.

How jurors
summoned

Section 9. Service of *Venire Facias*.—A *venire facias* shall be served by the Jury Commissioner directing the name by registered mail to the usual place of abode of the juror, and a return receipt of the post office, showing personal delivery to the juror, shall be *prima facie* evidence of such service; and the same shall be served at least five days before the day on which the jurors are required to appear; provided, that the judge of any court of record may in his discretion order the Jury Commissioner to certify a list to the sheriff for personal service to be made by the Sheriff.

Service of
venire facias

Section 10. Open *Venire*.—Nothing in this act contained shall be held to deprive any court of the power to cause a jury to be summoned by open *venire* as is provided by law.

Open *venire*

Section 11. Exemption; Term of Service; Notice.—The term of jury service shall be three calendar weeks, and a person who has actually been in attendance as a juror in a court of record in any county embraced within this act for three complete calendar weeks shall be discharged by the court; provided, however, that no juror shall be discharged until the close of the trial in which he may be serving, and that if the selection of a jury in any cause has been begun the court shall have power to

Term of service

Exemption

retain the panel until such jury has been selected and sworn. A person discharged as prescribed in this section shall be for the period of one year thereafter disqualified for jury service in any court of record.

Penalty for refusal or neglect to obey

Section 12. Refusal or Neglect to Obey.—Any person who shall refuse or neglect to obey any lawful mandate, order or direction of the Jury Commissioner, or who shall hinder, delay or obstruct the service of any process issued by said Commissioner, or who shall refuse, or neglect to appear, or who shall refuse to answer any question touching his qualifications, or the qualifications of any other person, as a juror, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five dollars and not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both.

Penalty for interference with list

Section 13. Unlawful Act.—Any person who shall do any act, for the purpose of procuring his own name or the name of any other person to be placed upon the jury list, or to be omitted therefrom, except as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both.

Violation of act by officials

Section 14. Violation of Act by Jury Commissioner, or Any Member of the Appointing Board, or Clerk of Any Court.—If any Jury Commissioner, clerk of any court, or deputy clerk of any court, shall place on or take from said jury list, or put into or take from said box prepared or used for said slips of paper with the names of persons from said jury list thereon, any name upon the request or solicitation of any person or otherwise than according to law, or shall, in making any drawing of names from said box in compliance with law or

the order of any court, do any act for the purpose of drawing therefrom any particular name or names of any person or persons of any particular class, or shall violate this act in any manner whatsoever, he shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years.

Section 15. Removal of Commissioner.—Any Jury Commissioner may be removed by the appointing board, or a majority thereof, summarily and without notice, for any reason deemed sufficient by said board.

Removal of
Commissioner

Section 16. Officers May Act by Deputies.—Any duty required by this act of the clerk of the court may in case of the absence or temporary disability of the clerk of the court, be performed by a duly authorized and acting deputy clerk of the court, with the same effect as it may be performed by the clerk of the court.

Officers may act
by deputies

Section 17. That all acts and parts of acts in conflict with this act are hereby repealed.

Repealing
clause

Section 18. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: March 30, 1917.

CHAPTER 92.

LAWFUL FENCE
RUNNING OF LIVE STOCK AT LARGE

(S. B. No. 310, by Senators Kluge and Means)

AN ACT**CONCERNING FENCES AND THE RUNNING OF LIVE STOCK
AT LARGE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.***Be It Enacted by the General Assembly of the State of Colorado:*

Act amended

Section 1. Section 2587 of the 1908 Revised Statutes of Colorado is hereby amended to read as follows:

Lawful fence
defined

Section 2587. *Lawful Fence Defined.* The following shall be a lawful fence in the State of Colorado: A fence of three or more barbed wires, of standard make and usual size, same to be not less than 13 gauge, with posts securely set in the ground not less than eighteen inches in depth, said posts to be not less than three inches in diameter at the point where the top wire crosses the post and set not more than thirty-three feet apart with substantial metal or wooden stay or post every sixteen and one half feet, top wire to be forty-six inches from the ground, the second wire fourteen inches below the top wire, the third wire to be twelve inches below the second wire, all wires to be tightly stretched and securely stapled, and all corner, end and gate posts to be securely braced; *provided* that when posts are closer together than thirty-three feet, they may be smaller in size than as herein provided, but must be of sufficient strength and stability so that the fence as a whole will offer as great resistance

and be as good protection as a fence as herein described: and *provided, further* that all measures and distances mentioned herein shall be construed as an approximation, and whether any fence conforms approximately to the requirements herein, shall be a question of fact to be determined by the Board of Arbitration or Court which tries the cause as are other questions of fact. Post and board fences made of sound posts not less than five inches in diameter set substantially in the ground not more than eight feet apart, with three boards of one inch lumber eight inches wide and not more than eight inches apart, or four boards one inch thick and six inches wide not more than six inches apart, securely fastened to each post with nails or otherwise; a three pole fence with sound poles not less than two inches in diameter at the small end, with posts as hereinabove provided for post and board fences, not more than eight feet apart; all other fences made of board, rails, poles, wires, woven or smooth wire, stone, hedge plants, or other material, which shall be as strong and as well adapted to protect enclosures as the above described fences, shall be considered for the purposes of this Act a lawful fence; all gates shall be kept in good repair and shall be equally as good as the fence.

Gates

Section 2. Section 2588 of the 1908 Revised Statutes of Colorado is hereby amended to read as follows:

Act amended

Section 2588. *Height of Fence.* All fences shall not be less than forty-six inches in height.

Height of fence

Section 3. Section 2589 of the 1908 Revised Statutes of Colorado is hereby amended to read as follows:

Act amended

Section 2589. *Owner of Lawful Fence May Recover for Trespass.* Any person making and maintaining in good repair any fence such as described in Section 1 of this Act, may recover for trespass from the owner or owners of any animal or animals which break through any such fence in full for all damages sustained on ac-

Owner of lawful fence may recover for trespass

count of such trespass, together with costs of such recovery, whether same be by suit or by arbitration; and the animal or animals so trespassing may be taken up by the party damaged and held as security for the payment of such damages and costs; and no person or persons shall be allowed to recover damages for any injury to any crops or grass or garden products or other vegetable products unless the same at the time of such trespass or injury was protected by a legal and sufficient fence as described in Section 1 of this Act.

Act amended

Section 4. Section 2590 of the 1908 Revised Statutes of Colorado is hereby amended to read as follows:

Partition
fences

Section 2590. *Partition Fences.* Where the lands of two persons adjoin and both persons shall occupy the land either for pasture or farm purposes, that it shall be the duty of each party to build one-half of the line fence, such line fence to be a legal fence, as described in Section 1 of this Act; and that where one party shall have already erected a legal fence as herein defined upon any line between himself and any other party, and the other party wishes to occupy the land adjoining, it shall be his duty to either build one-half the said legal fence, or pay the party owning said fence one-half of its cash value.

Act amended

Section 5. Section 2591 of the 1908 Revised Statutes of Colorado is hereby amended to read as follows:

Cost of par-
tition fences

Section 2591. *Cost of Partition Fences—How Recovered.* Partition fences shall be erected and kept in repair at the joint cost of the owners of the respective adjoining enclosures: *provided*, said land is occupied, except as otherwise agreed by the parties. If, after thirty days' written notice, served personally or by registered mail, by either party upon the other party, the other party neglects or refuses to erect or repair or cause to be erected or repaired the one-half of said partition fence, the party giving notice may proceed to erect, repair, or cause to be erected or repaired, the entire parti-

How divided
and recovered

tion fence, and collect by a civil action at law one-half the entire cost thereof from the other party; *provided*, the respective parties occupy the same for purposes requiring a fence, and *provided, further*, any judgment obtained against the owner or owners of any land for the value of any such partition fence or the repair thereof, and a special execution may issue and be levied upon the land to which such legal fence is appurtenant as in the manner now prescribed for the levying of an execution under the foreclosure of a mortgage upon real property, and such land may be sold under Sheriff's sale for the purpose of satisfying such special execution in the same manner as is now provided for the foreclosure of mortgages on real property.

Judgment to be
lien against
land

Section 6. That when any person or persons shall be damaged by any animal or animals, or shall take up any animal or animals under Section 3 of this Act, the claim for damages occasioned by said animal or animals may be arbitrated by a Board of three arbitrators, at the option of the party aggrieved selecting one, the owner of the animal or animals selecting a second, and the two thus chosen selecting a third, and said arbitrators so chosen shall meet and act as a Board of Arbitration within five days after a written application is made therefor by either party, and written notice given to the other party; *provided*, it shall be the duty of the person or persons so taking up such animal or animals to within five days after the taking up thereof, notify in writing the owner or person in charge of such animal or animals and if the owner or person in charge of such animal or animals shall not be known to the person or persons so taking up the same, or cannot be found after diligent search and inquiry then and in that event the person or persons so taking up such animal or animals, shall publish within one week a notice containing a full description of such animal or animals, including all marks and brands as nearly as can be ascertained, in a

Board of
Arbitration

How selected

Meeting

Notice to
owner

Notice by
publication

When declared
an estray

Owner may
give bond

Finding of
Board of
Arbitration

Enforcement
of finding

paper published nearest the place where the alleged damage occurred, and in the event the owner or owners of such animal or animals cannot be found within ten days after the date of the publication of such notice, the said animal or animals shall be an estray or estrays, and the State Board of Stock Inspection Commissioners shall be entitled to said animal or animals, subject to the lien for damage sustained and cost and care and feeding same by the person or persons taking up such animal or animals; *provided*, the taker-up of such animal or animals shall deliver the same to the owner or owners thereof, whenever such owner or owners shall furnish the said person so damaged by such animal or animals a bond in double the amount of the damage claimed, executed by two responsible persons, said bond to be satisfactory to such damaged party, or be approved by a Justice of the Peace or County Judge of such County, conditioned upon the payment to the taker-up of such animal or animals all damages and costs, if any such damages or costs be awarded as herein provided.

Section 7. The finding of said Board of Arbitration when reduced to writing and signed by a majority of the members thereof, shall constitute an obligation on the part of the party or parties against whom the finding is made, to pay to the aggrieved party the sum or sums so set forth in the finding of said Board of Arbitration. In the event the said party against whom the finding of such Board of Arbitration is made, shall fail, neglect or refuse to pay to the aggrieved party the sum so awarded by said Board of Arbitration, within thirty days from the date of the written findings of such board; then and in that event the said finding of said Board of Arbitration may be filed in any Justice of the Peace Court within which Justice's Precinct the damage was sustained, if the amount be not in excess of Three Hundred Dollars, or in a court of record of said County if the amount be in excess of Three Hundred Dollars; the finding of such Board so

filed shall be deemed for the purposes of this Act a judgment of said court and execution may issue thereon as by law provided in judgments of said court; the costs agreed upon to be incurred in said arbitration shall follow the findings as in suits at court; *provided*, that if the owner or owners of any animal or animals shall make a tender in money of all damages to the person claiming damages, the person claiming damages shall pay all costs and expenses thereafter accruing, unless he shall be awarded as herein provided a larger amount than was so tendered by the owner or owners of such animal or animals.

Section 8. It shall be unlawful for the owner or owners of any animal or animals knowingly to cause or permit said animal or animals to graze or run at large in any road, lane or public highway that is fenced on both sides with a legal fence, and in case any animal or animals, while so running at large, shall be killed or injured by any vehicle of whatever nature, the owner or driver or person in charge of the said vehicle shall not be liable for damages; *provided*, that said killing or injury shall not be wilful or malicious. Nothing in this section shall be construed to be applicable to animals having a person or persons in charge, which are being driven on public highways.

Unlawful to
graze stock
on public
highway

Exceptions

Section 9. It shall be the duty of the person or persons taking up any animal or animals under the provisions of this act to feed and care for such animal or animals in a reasonable, careful and prudent manner and keep the same in as good order and condition as when so taken up by the said party or parties, and shall be liable for any damage occasioned by his or their failure so to do, and for which feed and care such party or parties shall be entitled to recover from the owner or owners of such animal or animals a reasonable compensation, to be recovered as herein provided for the recovery of damages sustained.

Care of stock
taken up

Unlawful to
break fence
or gate

Section 10. It shall be unlawful for any person or persons to wilfully break down or cause to be broken down any fence or gate, or leave open any gate in such fence, *provided, however*, that this section shall not apply to the owner or occupant unless such owner or occupant shall cause such fence or gate to be left down or broken open with malicious intent.

Lien for tres-
pass and care

Section 11. The party so taking up such animal or animals under the provisions of this Act shall have a lien upon such animal or animals for the damages occasioned by the trespass of such animal or animals, and for a reasonable compensation for their feed and care while in the possession of the taker-up thereof, if damages are recovered.

Taker-up must
have lawful
fence

Section 12. It shall be unlawful for any person or persons to take up or attempt to take up any such animal or animals without having complied with the provisions of this act, with respect to a lawful fence, unless such taking up be done in good faith in an honest belief that such fence was a lawful fence as defined by this act.

Unlawful to
recover animals
taken up ex-
cept under
provisions of
this act

Section 13. It shall be unlawful for any person or persons to take up any animal or animals under Section three of this Act, unless the taker-up thereof shall have complied with the provisions of Sections One and Two of this Act the 1908 Statutes of Colorado as amended, with respect to a lawful fence; and it shall be unlawful for any person or persons to forcibly or by trickery, fraud or deceit, or without the knowledge and consent of the person having possession of any animal or animals taken up under the provisions of this act, to remove the same from the possession of such person or persons; any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$10 nor more than \$500, or confined in the county jail not to exceed 60 days, or both such fine and imprisonment, at the discretion of the court;

Penalty

the pendency of any criminal action for the violation of the provisions of this act shall in no way prejudice the party or parties injured from proceeding for the recovery of such damages as may have been sustained in a civil action at law.

Section 14. The words "animal or animals" in this act shall include only cattle, horses, mules and asses. "Animals"
defined

Section 15. The words "public highways" in this act shall not be construed to include railways of any kind or railway rights of way of any kind. "Highways"
defined

Approved: March 30, 1917.

CHAPTER 93

LOAN SHARKS
RATE OF INTEREST LIMITED

(S. B. No. 8, by Senator Dunklee)

AN ACT

CONCERNING THE LOANING OF MONEY IN SUMS NOT EXCEEDING FIVE HUNDRED DOLLARS, AT INTEREST NOT EXCEEDING ONE PER CENT. PER MONTH, AND CONCERNING THE ASSIGNMENT OF SALARIES AND WAGES DUE OR TO BE EARNED IN THE FUTURE: PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Interest on
loans limited
to one per cent
per month

Section 1. When any person, persons, partnership, corporation or corporations, or joint stock company, national bank, trust company, or any bank or banks operating under a state charter or under state supervision, or building and loan associations, or title and guaranty companies, shall lend any sum of money not exceeding Five Hundred Dollars (\$500), and shall take as security therefor any mortgage, assignment or other instrument of writing, upon personal property, or on account of any salary or wages due or to become due, or to be earned in the future, and shall contract for, exact or receive directly or indirectly, as interest or for the use of the money loaned, any sum of money or other thing of value in excess of one per cent. (1%) per month on the amount actually loaned, *provided*, that an additional charge not to exceed \$1.00 may be made to cover expenses of filing

Additional
charges

or drawing of papers, or who shall accept or receive any note, bond, bill or other evidence of debt for or on account of such loan, or as an inducement thereto, which shall express on its face a sum to be due or payable in excess of the actual amount so loaned, such bond, bill, note or other evidence of debt, together with any mortgage, assignment or other instrument of writing to secure the same, upon chattels, salary or wages, shall be void and non-enforcible, and any payee or any other person with knowledge thereof who shall assign, transfer or deliver to any person, for a good and valuable consideration, any such bond, bill, note, or other evidence of debt, which shall express on its face a sum due or payable in excess of the sum actually loaned, or who shall transfer any mortgage, assignment, or other instrument of writing to secure the same, upon chattels, salary or wages, without stating to such vendee, assignee or transferee the true amount actually loaned, shall be liable to the purchaser thereof for double the amount named in any such bond, bill, note or other evidence of debt, to be recovered in an action at law; and in addition thereto he or they shall be deemed guilty of a misdemeanor and be punished as hereinafter provided.

Notes showing false value, assignments, etc., non-enforcible

Liability for transfer of falsely valued notes, etc.

Penalty

Sec. 2. Any person, persons, partnership, corporation or corporations, or joint stock company, national bank, trust company, or any bank or banks operating under a state charter or under state supervision, or building and loan associations, or title and guaranty companies, who shall hereafter make to any employe an advance of money, or loan, on account of salary or wages due or to become due or to be earned in the future by such individual, upon an assignment or note covering such loans or advances, shall not acquire any right to collect or attach the same while in the possession or control of the employer, unless within a period of seven days after the execution of such assignment or notes and the making of such loan or loans, the party making such loan

Agreements and assignments must be filed with employer to be enforcible

and taking such assignment shall have filed with the employer or employers of the individual so assigning his present or prospective salary or wages, a duly authenticated copy of such agreement or assignment or notes under which the claim is made.

Court action
not to lie
unless terms of
this act are
complied with

Sec. 3. No action shall be maintained in any of the courts of this state, brought by the holder of any such contract, assignment, or notes, or other instrument in writing, given by an employee for moneys loaned on account of salary or wages, in which it is sought to charge in any manner the employer or employers, unless it shall appear to the satisfaction of the court that a copy of such agreement, assignment or notes or other instrument in writing, together with a notice of lien, was duly filed with the employer or employers of the person or persons, corporation or company making said loan within seven days after the said loan was made and the said agreement, assignment or notes were given.

Penalty

Sec. 4. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction be punished by confinement in the county jail for not less than thirty (30) days nor more than one (1) year.

Repealing
clause

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed.

Safety clause

Sec. 6. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of public health, peace and safety.

Emergency
clause

Sec. 7. In the opinion of the General Assembly an emergency exists, and therefore this act shall take effect and be in force from and after its passage.

Approved: April 20, 1917.

CHAPTER 94.

MEDICINE—PRACTICE OF
RULES AND RESTRICTIONS

(Referred to the People of the State of Colorado by Petition of
Referendum)

(H. B. No. 178, Twentieth General Assembly, by Messrs. Thompson
and Crist)

AN ACT

**RELATING TO THE PRACTICE OF MEDICINE IN THE STATE
OF COLORADO.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 6058 of the 1908 Revised Statutes of Colorado be amended to read as follows: Act amended

Section 1. A board is hereby established to be known by the name and style of the State Board of Medical Examiners. Said board shall be composed of nine practicing physicians of integrity and ability, who shall be residents of, and have been licensed to practice medicine in this state, and who shall have been graduated from medical schools of high educational requirements and standing, and have been engaged in the active practice of their profession within this state. Said board shall perform such duties, and possess and exercise such powers, relative to the protection of the public health and the control and regulation of the practice of medicine in this state as shall be in this act prescribed and conferred upon it. Board established
Qualifications of members
Scope of duties

Section 2. That Section 6059 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Appointment
of members

Section 2. The governor shall appoint nine physicians, who shall possess the qualifications specified in Section 1 of this act, to constitute the members of said board. Said members shall be so classified by the governor that the term of office of three shall expire in two, three and four and three and six years from the date of appointment. Biennially thereafter the governor shall appoint three members, who shall possess the qualifications as specified in Section 1 of this act, each to serve for the term of six years, and he shall fill vacancies in the membership of said board as soon as practicable.

Term of office

Vacancies

Section 3. That Section 6060 of the 1908 Revised Statutes of Colorado be amended to read as follows:

Officers

Section 3. Said board shall biennially elect a president, a vice-president, and a secretary-treasurer from their membership, and shall adopt a seal which shall be affixed to all licenses issued by them. They shall from time to time adopt such rules and regulations as they deem necessary for the performance of their duties, and a schedule of minimum educational requirements which shall be without prejudice, partiality or discrimination as to schools or systems of practice of medicine. When an applicant for a license offers to the board satisfactory proof that he has complied with such educational requirements as are specified in said schedule, the board shall accept such proof as sufficient evidence of the educational qualifications of the applicant to entitle him to a license without examination; *provided, however*, that any person who shall have been lawfully engaged in the practice of the healing art in the State of Colorado, for not less than three months immediately prior to the date upon which this act takes effect, and is a graduate from an institution chartered, to teach the healing art by the state wherein it was located which school, in case the practitioner graduated therefrom prior to January 1st, 1908, required such practitioner to be in actual attendance for two years of nine months each of not less than one thou-

Regulations

License, when
issued without
examination

sand hours of instruction work in each of those years in order to graduate, and which school, in case the practitioner graduated therefrom subsequent to January 1, 1908, required the practitioner to be in actual attendance for three years of nine months each of not less than one thousand hours of instruction work in each of those years in order to graduate, shall be granted a license to practice medicine in the State of Colorado by the State Board of Medical Examiners without examination as to his skill or knowledge; *provided further* that such practitioner shall make application to the said Board of Medical Examiners for such license within ninety days after the date upon which this law takes effect upon such blank forms as said board shall provide and shall pay the fees herein prescribed and shall furnish evidence satisfactory to the board that he is a person of good moral character and possesses the educational qualifications hereinabove specified.

Application
and fee

Section 4. That Section 6061 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Section 4. The State Board of Medical Examiners shall meet as a board of medical examiners in the City of Denver, on the first Tuesday of January, April, July and October of each year, and at such other times and places as may be found necessary for the performance of their duties.

Meetings of
Board

Section 5. That Section 6062 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Section 5. Any person wishing to obtain the right to practice medicine in this state, who has not heretofore been licensed so to do, shall before it shall be lawful for him to practice medicine in this state, make application to said State Board of Medical Examiners, through the secretary-treasurer thereof, upon such form and in such

Application to
practice

Unlawful to
practice with-
out license

manner, as shall be adopted and prescribed by the board, and obtain from the board a license so to do. Unless such person shall have obtained a license as aforesaid it shall be unlawful for him to practice medicine in this state; and if he shall practice medicine in this state, without first having obtained such a license he shall be deemed to have violated the provisions of this act. All applicants for a license to practice medicine or for a renewal of any such license which has been revoked, shall furnish the board with satisfactory evidence of good moral character.

Character of
applicant

Section 6. That Section 6063 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Board may
summon and
examine
witnesses

Section 6. Said board shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to their duties. Said board shall issue licenses to practice medicine to all persons who shall furnish satisfactory evidence of attainments and qualifications under the provisions of this act, and the rules and regulations of the board. Such licenses shall be signed by the president and attested by the secretary-treasurer of the board under its adopted seal, and they shall be absolute authority to the persons to whom they are issued to practice medicine in this state. It shall be the duty of the secretary-treasurer under the direction of the board personally or by deputy, to aid the several district attorneys of the state in the enforcement of this act and in the prosecution of all persons charged with violating any of its provisions.

License signed
and sealed

Enforcement
of act

Section 7. That Section 6064 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Examination
fee

Section 7. There shall be paid to the secretary-treasurer of the State Board of Medical Examiners by each applicant for a license a fee of twenty-five (25) dollars which shall accompany the application. Two-fifths of

the fee shall be returned to the applicant in case the board shall refuse to grant him a license.

Section 8. Every person who desires to obtain a license to practice medicine in the State of Colorado shall first make application for such license upon such form as the State Board of Medical Examiners shall provide, giving all information called for therein, and pay the license fee herein specified and shall furnish to the board such evidence of good moral character as the board may demand. Thereupon the board shall investigate the moral character, education and experience of the applicant. The burden of showing a good moral character to the satisfaction of the Board of Medical Examiners shall be upon the applicant, but the board shall make such independent investigation as it shall see fit. No person shall be granted a license upon his credentials nor permitted to take an examination for a license until the board is satisfied that he possesses a good moral character. The board shall next determine whether or not the applicant is entitled to a license upon his credentials and in determining this question they shall consider his general reputation, preliminary education, degrees received from educational institutions, licenses to practice in other states, practice and hospital experience, experience as a teacher of medicine and any other matter tending to show his fitness to receive a license without examination. If the applicant is not granted a license upon his credentials, or if he prefers to be licensed by examination instead of upon his credentials, he shall be permitted to take an examination before the board and no person who possesses a good moral character and has made application for a license upon the form provided by the board and has paid the fees herein specified shall be denied the right to take the examination. However, no person who elects to take an examination and fails therein shall thereafter be licensed upon credentials which he possessed at the time of the examination, nor shall any person who has been licensed upon creden-

Examinations

Qualifications
of applicant

Passing
average

Subjects for
examination

tials, be permitted to take an examination. Every applicant for a license shall be designated by number instead of by name, so that his identity shall not be disclosed to the members of the board until after the examination papers are graded, and every applicant whose examination papers grade at least 75% on the average shall be granted a license. The subjects of examination shall be as follows: Anatomy, physiology, chemistry, symptomatology, toxicology, pathology, surgery and obstetrics, but no question shall be asked of any applicant concerning materia medica, therapeutics or any manner, means or system of treatment or healing.

Section 9. That Section 6066 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

License must
be recorded

Section 9. Every person who shall receive a license from the State Board of Medical Examiners shall have it recorded in the office of the recorder of deeds of the county in which he resides, and shall likewise have it recorded in the counties to which he shall subsequently remove for the purpose of practicing medicine. The failure on the part of the holder of a license to have it recorded, before he shall begin the practice of medicine in this state, shall render it null and void.

Failure to
record

Section 10. That Section 6067 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

County Recorder keep
records of
licenses

Section 10. The recorder of deeds of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp or write upon the face thereof his signed memorandum of the date when such license was presented for record.

Section 11. That Section 6068 of the 1908 Revised Statutes of Colorado be amended to read as follows:

Section 11. The State Board of Medical Examiners may refuse to grant, or may revoke, a license to practice medicine in this state, or may cause a licentiate's name to be removed from the record in the office of any recorder of deeds in the state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for or securing a license, or in passing the examination provided for in this act; the practice of medicine under a false or assumed name, or impersonation of another physician of this state or of any state, territory or foreign country, of a like or different name; the conviction of a felony or of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants; the procuring or aiding or abetting in procuring, or attempting to procure a criminal abortion; grossly negligent or ignorant malpractice; the obtaining of a fee, either directly or indirectly either in money or in the form of anything of value or in the form of financial profit, either as personal compensation or as compensation, charge, profit or gain for an employer, or any other person or persons, on the representation that a manifestly incurable, sick, diseased or injured condition of any person can be permanently cured; causing the publication, circulation, exhibition or display publicly of an advertisement, notice or information of any medicine or means whereby the monthly periods of women can be regulated, or the menses, if suppressed, can be re-established, or whereby an abortion can be accomplished; causing the publication, circulation, exhibition or display publicly of an advertisement relative to any disease of the sexual organs or relative to the treatment, alleviation, palliation, cure or prevention of any disease, weakness or condition of the sexual organs such as prejudicially to affect public morals, the obtaining of a fee or the promise or obligation to pay a fee by fraud; immoral, unprofessional or dishonorable conduct; the violation of any provision of this act. Said board, in determining whether any applicant for a

Board may refuse or revoke licenses

Grounds

Board to
investigate
qualifications
of applicants

license to practice medicine is morally, educationally and otherwise qualified to receive such a license, shall upon their own initiative make diligent inquiry and investigation whether such applicant possesses the qualifications required by this act and those adopted by the board under the authority of this act and whether such applicant has at any time done any of the acts herein made a ground for refusing or revoking a license and they may refuse to grant a license to practice medicine to any person who, after such inquiry and investigation, they shall find does not possess the moral, educational and other qualifications herein required or adopted by the board under authority of this act or who has done any of said acts. But said board shall not refuse to grant such a license under such circumstances until said applicant has had reasonable opportunity, and at least thirty days' notice to appear before the board in person and by counsel and present in his behalf such statements, testimony, evidence, argument and authority as he may desire to call to the attention of the board. Said board and the members thereof, may, whenever it has been brot to the attention of them or any of them that there is reason to suspect that any person holding a license to practice medicine in this state has been guilty of any of the acts herein made a ground for revoking such license, make an investigation to determine the probability of the commission of any such act by any such person. If they find such probability great, they shall notify such person of such finding and they shall fix a time and place for conducting a hearing of such matter and shall give notice thereof to the person so suspected and of the time and place of such hearing, and the specific charges against him, and shall inform him that he may be present at such time and place in person and by attorney to offer such evidence as he may desire upon the matter under investigation and may be heard in his defense. Any person may file a complaint with the secretary-treasurer of the State Board of Medi-

Hearing of
charges

Complaints

cal Examiners against any person who holds a license to practice medicine under the laws of this state, or who is an applicant for such a license, with a view to having the board revoke or refuse to grant such a license on any of the grounds herein set out. When such a complaint is filed with the secretary-treasurer, he shall serve a copy thereof upon the person so accused, together with a notice of at least thirty (30) days of the time when, and the place where said board will conduct a hearing thereon and that he may be present in person and by attorney if he so desires and may offer evidence and be heard in his defense. At the time and place fixed for a hearing before the board as hereinabove specified or at any time and place to which the matter may be continued, the board shall receive evidence upon the subject under consideration and shall accord the one against whom charges are preferred a full and fair opportunity to be heard in his defense and shall adopt a resolution finding him guilty or not guilty of the matters charged, and if he be found not guilty the board shall dismiss the complaint, but if he be found guilty his license shall be revoked by the board. The State Board of Medical Examiners may, at any time after the refusal or revocation of a license as aforesaid, grant or restore such license to the person affected. Any person to whom such a license is so restored shall pay to the secretary-treasurer a fee of fifteen dollars (\$15.00) upon the restoration thereof. The action of the State Board of Medical Examiners in refusing to grant or in revoking a license to practice medicine may be reviewed by the District Court by the writ of certiorari under the Code of Civil Procedure.

Service

Findings

Review of
decisions

Section 12. That Section 6069 of the 1908 Revised Statutes of Colorado be amended to read as follows:

Section 12. The term "practice of medicine," as used in this act, is hereby defined to mean holding out one's self to the public as being engaged within this state in the business of diagnosing or treating diseases, injuries or

Construction
of terms

defects of human beings; whether by the use of drugs, surgery, manipulation, electricity, or any other physical or mechanical means whatsoever; or the suggestion, recommendation or prescribing of any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment or defect of any person with the intention of receiving therefor, either directly or indirectly, any fee, gift or compensation whatsoever; or the maintenance of an office for the examination or treatment of persons afflicted with disease, injury or defect of body or mind; or using the title M. D., Doctor, Surgeon, or any word or abbreviation to indicate or induce others to believe that one is engaged in the treatment or diagnosis of the diseases, injuries or defects of human beings; using any such title other than optician or optometrist to indicate that one is engaged in the business of refracting or fitting glasses to the human eye; or performing any kind of a surgical operation upon a human being; or the practice of midwifery; or attending a woman in childbirth without the aid of a licensed physician and surgeon or a licensed midwife. If any person who does not possess and shall not have filed a license to practice medicine within this state, as hereinabove provided, shall do any of the acts hereinabove mentioned as constituting the practice of medicine he shall be deemed to be practicing medicine without complying with the provisions of this act and in violation thereof. Nothing in this act shall be construed to prohibit gratuitous services in case of emergency or to prohibit a physician lawfully practicing in another state or territory from attending a particular case in this state which he is called to diagnose or treat; nor the practice of midwifery as hereinafter defined by a duly licensed midwife, but the practice of midwifery by any person who does not hold a license to practice medicine or a license to practice midwifery issued by the State Board of Medical Examiners, shall be deemed to be practicing medicine without a license in violation of this act; nor the practice

When license
is not needed

Midwifery

of chiropody as hereinafter defined by a duly licensed chiropodist, but the practice of chiropody by any person who does not hold a license to practice medicine or a license to practice chiropody issued by the State Board of Medical Examiners, shall be deemed and considered to be practicing medicine without a license in violation of this act; nor to prohibit the practice of Optometry under the conditions and limitations defined in Chapter 118 of the Session Laws of Colorado of 1913; nor to prohibit the practice of religious tenets or religious rites or ceremonies as a form of religious worship, nor the practice of Christian Science with or without compensation; or to prohibit commissioned surgeons of the United States Army, Navy, or Public Health and Marine Hospital Service, from performing their lawful duties in this state, as such officers.

Chiropody

Optometry

Section 13. That Section 6070 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Section 13. Any person practicing medicine in this state without complying with the provisions of this act, or any person who shall have violated the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty (50) dollars, nor more than three hundred (300) dollars, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both. Any person presenting or attempting to file as his own, the diploma or certificate or credentials of another, or who shall give either false or forged evidence of any kind to the State Board of Medical Examiners, or any member thereof, in connection with an application for a license to practice medicine, or who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in

Practicing
medicine
without
authorityImpersonation
or misrepresentation

Penalties

the state penitentiary for a term of not less than one (1) nor more than ten (10) years, at hard labor.

Section 14. That Section 6071 of the 1908 Revised Statutes of Colorado be re-enacted without change to read as follows:

Disposition of
fees and fines

Section 14. All fees received by the State Board of Medical Examiners and all fines collected by any officer of the law under this act, shall be paid to the secretary-treasurer of said board, who shall, at the end of each and every month, deposit the same with the state treasurer, and the said state treasurer shall place said money so received in a special fund to be known as the fund of the State Board of Medical Examiners, and shall pay the same out on warrants drawn by the auditor of the state therefor, upon vouchers issued and signed by the president and secretary-treasurer of said board. Said moneys so received and placed in said fund may be used by the State Board of Medical Examiners in defraying their expenses in carrying out provisions of this act: At the end of every biennial period, if there shall remain in said fund any balance, said balance shall be transferred to the general revenue fund of the state. The secretary-treasurer of said board shall keep a true and accurate account of all funds received and all vouchers issued by the board; and on the first day of December of each year he shall file with the governor of the state a report of all receipts and disbursements for said board for the preceding fiscal year.

Accounts and
report

Compensation
of Board and
Treasurer

Members of said board shall receive a per diem for the time during which they shall be actually engaged in the discharge of their duties; and the secretary-treasurer shall receive a salary; said per diem and salary shall be fixed by the board.

Unlawful to
practice with-
out license

Section 15. It is hereby declared to be unlawful for any person who does not hold a license to practice medicine within this state, to hold himself out as engaged in the business of diagnosing or treating any disease, dis-

eased condition, injury or defect of human beings, either in person or by or thru a partner, agent or employe, or to maintain an office for the purpose of diagnosing or treating any disease, diseased condition, injury or defect of human beings by or thru a partner, agent or employe. It is also declared to be unlawful for any person not holding a license to practice medicine within this state to examine for the purpose of diagnosing, or to diagnose or to treat any person suffering from any disease, diseased condition, injury or defect either in person, or by or thru a partner, agent or employe. It shall be no defense to any person prosecuted under this section that the partner, agent or employe by whom the person was examined or treated, held a license to practice medicine within this state at the time of such examination or treatment.

Section 16. It is hereby declared to be unlawful for any person to examine for the purpose of diagnosing, or to diagnose or treat any person suffering from any disease, diseased condition, injury or defect as the partner, agent or employe of any person who does not hold a license to practice medicine within this state, or as the employe of any corporation, and it shall be no defense to any person prosecuted under this section that he held a license to practice medicine in this state at the time of such examination or treatment. However, this section shall not be construed to forbid any licensed physician from accepting employment from any person, partnership, association or corporation to examine and treat the employes of such person, partnership, association or corporation.

Section 17. If any person holding a license to practice medicine within this state shall examine for the purpose of diagnosing or shall diagnose or treat any person suffering from any disease, injury or defect as the partner, agent or employe of any person who does not hold a license to practice medicine within this state, or as the

Practice
restricted

employe of a corporation except when he is employed to treat the regular employes of such person, partnership, association or corporation, his license shall be revoked therefor by the State Board of Medical Examiners upon a hearing conducted as hereinabove prescribed for the revoking of licenses upon any other ground.

Board may
grant or revoke
chiroprody
license

Section 18. The State Board of Medical Examiners may grant and revoke licenses to practice chiroprody within the state of Colorado, and it is hereby declared to be unlawful for any person to practice chiroprody as hereinafter defined within the state of Colorado, who does not hold a license to practice medicine or a license to practice chiroprody issued by the State Board of Medical Examiners.

Chiroprody
defined

Section 19. The term chiroprody as used in this act is hereby defined to mean the surgical treatment of abnormal nails, corns, warts and callosities of the feet and the superficial treatment of bunions.

Chiroprody
examination

Section 20. Before receiving a license to practice chiroprody, the applicant shall be required to make application upon such form as the Board of Medical Examiners may require, and to pay the fee hereinabove required of an applicant for a license to practice medicine and to pass an examination given by the board in those subjects concerning which the board deems it necessary for a practitioner of chiroprody to have special knowledge.

Restrictions

Section 21. The license to practice chiroprody as hereinabove defined shall confer upon the licentiate, the right to give surgical treatment for abnormal nails, corns, warts, callosities of the feet and superficial treatment of bunions, and the right to use local anaesthetics upon feet as incidental to such treatment, but no right to give any other anaesthetics or to make any incision involving structure below the level of the true skin.

Penalty

Section 22. Any person not holding a license to practice medicine or a license to practice chiroprody, who

shall practice chiropody as hereinabove defined, and any person holding a license to practice chiropody, who shall practice medicine otherwise than is included in the practice of chiropody shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section thirteen (13) of this act.

Section 23. The State Board of Medical Examiners may revoke the license to practice chiropody of any person who, while holding such a license, obtains a fee or a promise or obligation to pay a fee by fraud, or is guilty of grossly negligent, or ignorant malpractice in the practice of chiropody, or violates any provisions of this act, or is guilty of any immoral or dishonorable conduct. The procedure for denying or revoking a license to practice chiropody, shall be the same as that for denying or revoking a license to practice medicine.

When Board
may revoke
license

Section 24. The State Board of Medical Examiners may grant and revoke licenses to practice midwifery within the State of Colorado, and it is hereby declared to be unlawful for any person to practice midwifery as herein-after defined, within the State of Colorado, who does not hold a license to practice medicine or a license to practice midwifery issued by the State Board of Medical Examiners.

License of
midwifery

Section 25. The term of midwifery as used in this act, is hereby defined to mean the attending of a woman in child birth.

Midwifery
defined

Section 26. Before receiving a license to practice midwifery, the applicant shall be required to make application upon such form as the Board of Medical Examiners may require, and pay the fee hereinabove required of an applicant for a license to practice medicine and to pass an examination given by the board in those subjects concerning which the board deems it necessary for a practitioner of midwifery to have special knowledge.

Application
and fee

What license
implies

Section 27. The license to practice midwifery as hereinabove defined shall confer upon the licentiate, the right to attend women in child birth without the aid of a licensed physician, but not the right to give or prescribe any drugs or anaesthetic, or to use any instruments in delivering a child, or to practice medicine in any other form.

Penalty

Section 28. Any person not holding a license to practice medicine, or a license to practice midwifery, who shall practice midwifery as hereinabove defined, and any person holding a license to practice midwifery who shall practice medicine otherwise than is included in the practice of midwifery, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in Section 13 of this act. Nothing in this act shall be construed to forbid the practice of midwifery by any person heretofore licensed so to practice by the State Board of Health of Colorado.

Causes for
revocation
of license

Section 29. The State Board of Medical Examiners may revoke the license to practice midwifery of any person who while holding such a license performs a criminal abortion, or obtains a fee or a promise or obligation to pay a fee by fraud; or is guilty of grossly negligent or ignorant malpractice in the practice of midwifery; or violates any provision of this act; or is guilty of any immoral or dishonorable conduct. The procedure for denying or revoking a license to practice midwifery, shall be the same as that for denying or revoking a license to practice medicine.

Procedure

Chiropractic
licenses

Section 30. The State Board of Medical Examiners may grant and revoke licenses to practice chiropractic within the State of Colorado and it is hereby declared to be unlawful for any person to practice chiropractic as hereinafter defined within the State of Colorado who does not hold a license to practice medicine or a license to practice chiropractic issued by the State Board of Medical Examiners.

Section 31. The term practice of chiropractic as used in this act is hereby defined to mean the treatment of disease or morbid conditions of human beings by palpation, nerve tracing and adjustment of vertebrae by hand.

Chiropractic defined

Section 32. Any person who has been continuously engaged in the practice of chiropractic within the state of Colorado for six months prior to the date upon which this act shall take effect and who is a graduate of a school chartered by the state in which it is located to teach chiropractic, and which school, at the time such person attended it, required its students to be in actual attendance for not less than 400 hours of instruction work in order to graduate, and which person was in such actual attendance before graduation therefrom or who has been continuously engaged in the actual practice of chiropractic within the State of Colorado for two years prior to the date upon which this act shall take effect and who shall make application for a license to practice chiropractic within three months from the date upon which this act shall take effect upon such form as the State Board of Medical Examiners shall provide, and shall pay a fee of \$25.00 therefor, shall be granted a license to practice chiropractic within the state of Colorado, upon proving his good moral character to the satisfaction of the board, without examination or other condition.

When chiropractic license may be granted without examination

Any person who desires a license to practice chiropractic within the State of Colorado who is not entitled to such license under the above provisions of this Section or failing to make application therefor within the above time specified, shall be entitled, without examination, to such license upon making an application therefor upon such form as the Board of Medical Examiners shall provide, and paying a fee of \$25.00 therefor and proving his good moral character to the satisfaction of the Board, and further proving to the satisfaction of the Board that he is a graduate of a school chartered by the state in which

Further license provisions

**Qualifications
for chiropractic
license**

it is located to teach chiropractic, which school, required the applicant to be in actual attendance for not less than two years of nine months each, and to take not less than 1,000 hours of instruction work in each of those years in order to graduate.

**Titles per-
mitted**

Section 33. A license to practice chiropractic shall confer upon the licentiate the right to practice chiropractic as hereinabove defined and to use the title Doctor of Chiropractic, D. C. and Chiropractor in connection with his name, but not to use any other title or abbreviation to indicate that he is engaged in the business or profession of treating or diagnosing diseases, injuries or defects of human beings. Such license shall not confer upon licentiates the right to practice surgery or obstetrics, or to prescribe drugs or to administer anaesthetics.

**Practices
prohibited**

Section 34. Any person not holding a license to practice medicine or a license to practice chiropractic, who shall practice chiropractic as hereinabove defined and any person holding a license to practice chiropractic who shall practice medicine otherwise than is included in a practice of chiropractic shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 13 of this act.

**Revocation of
license**

Section 35. The State Board of Medical Examiners may revoke a license to practice chiropractic for any of the grounds mentioned in Section 11 of this act as grounds for revoking a license to practice medicine. The procedure for denying or revoking a license to practice chiropractic shall be the same as for denying or revoking a license to practice medicine.

**Licenses
recorded**

Section 36. Licenses to practice chiropody, midwifery and chiropractic shall be recorded in the office of the clerk and recorder of every county in the state of Colorado in which the licentiate practices, and the records of such office shall be deemed evidence in any court of law

that any person does or does not possess such a license. The records of the office of the secretary-treasurer of the State Board of Medical Examiners shall likewise be deemed competent evidence of either of these facts, and shall be conclusive.

Submitted to people at election held November 7, 1916. Approved by 96,879 votes "Yes" to 82,317 votes "No."

CHAPTER 95

MELON INSPECTION**INSPECTORS—APPOINTMENT—DUTIES**

(S. B. No. 182, by Senator Coltman)

AN ACT

IN RELATION TO THE INSPECTION OF THE PICKING, PACKING, SHIPMENT AND SALE OF CANTALOUPE AND MELONS GROWN IN COLORADO FOR HUMAN CONSUMPTION.

Be It Enacted by the General Assembly of the State of Colorado:

Inspection re-
quired for sale
or shipment

Section 1. It shall be unlawful for any person, association, corporation, association or federation of growers, or commission merchants, bailee, receiver or agent, to sell, ship or offer for sale or shipment, or place upon the market for human consumption, any cantaloupes or melons grown within this state, unless the same shall be first certified as to maturity, and fitness of condition for shipment, by a regularly appointed inspector, under the provision of this Act.

Appointment
of inspectors

Section 2. The Pure Food and Drug Commissioner of the State shall appoint a state inspector of cantaloupes and melons, who shall have general supervision over all matters relating to the inspection of cantaloupes and melons within the state, and hold office for a term of two years, unless sooner removed for neglect of duty or incompetency, in the discretion of the Pure Food and Drug Commissioner, and such inspector shall have power to appoint as many assistant inspectors under this Act, from names of competent persons submitted by the several fruit-

growing associations of the state, as may be necessary to carry out the provisions of this Act, and shall have power to remove any such assistant inspector for neglect of duty or incompetency. The compensation of the state inspector of cantaloupes and melons shall be five dollars a day and reasonable necessary traveling expenses, payable monthly out of the State Treasury, for each and every day necessarily employed in the inspection of cantaloupes and melons, and the assistant inspectors shall be compensated solely by the local melon-growers' association of the respective communities where they perform their duties at a rate not less than three dollars nor more than five dollars, with reasonable expenses, for each day necessarily so employed, and all inspectors shall be state officers. All disputes concerning inspection of cantaloupes or melons shall be finally adjusted by the State Inspector. The Pure Food and Drug Commissioner of the State shall issue certificates of authority to the inspector and assistant inspectors.

Compensation

By whom paid

Authority

Section 3. The state inspector of cantaloupes and melons, or his assistant, shall inspect, examine and certify all cantaloupes and melons grown within this state for human consumption, and shall mark each crate or package thereof in plain and legible way showing the name and address or number of the grower or growers, number or approximate number and variety of cantaloupes or melons contained therein, and it shall be the duty of the inspector or assistant inspector to attach a certificate of inspection to each manifest and bill of lading of carload shipment of cantaloupes or melons loaded within this state for shipment; *provided*, that only in case of loading and shipment of cantaloupes or melons in full car-load lots shall it be unnecessary to so mark each and every crate or package thereof.

Duties of inspectors

Section 4. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000) to carry out

Appropriation

the purposes and provisions of this Act. The State Auditor is hereby directed to draw warrants upon the State Treasurer for the payment of salaries, compensation and expenses, as herein provided, upon vouchers certified and approved by the President of the State Board of Health and its Secretary.

Penalty for
violation

Section 5. Any person, association, corporation, association or federation of growers, or commission merchant, agent, bailee or receiver, who sells, ships, offers for sale or shipment, or places upon the market any cantaloupes or melons for human consumption contrary to the provisions of this Act, or who sells, ships, offers for sale or shipment or places upon the market any cantaloupes or melons for human consumption, which have been rejected by the inspector or inspectors, or who shall sell, ship, offer for sale or shipment or place upon the market any cantaloupes or melons for human consumption, by falsely representing that such cantaloupes or melons have been inspected and approved by an inspector operating under this Act, or by using any false placard, label or imitation calculated to deceive, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars for each offense. The state inspector shall prosecute all violations of this Act.

Packing crates

Section 6. All cantaloupes grown within this state and offered for shipment or transportation by private or common carrier, shall be packed with care in crates not less than 23- $\frac{1}{2}$ inches in length. It shall be the duty of all shippers and distributors of melons to co-operate with the federal office of markets if any established in the locality.

If portions of
act are unconstitutional

Section 7. The constitutionality of any section, sub-section, sentence, clause, or phrase of this act shall not affect the validity and constitutionality of any other section, sub-section, sentence, clause or phrase hereof.

Section 8. All acts and parts of acts inconsistent or in ^{Repealing} ~~conflict~~ with the provisions of this act are hereby repealed. _{clause}

Approved: April 21, 1917.

CHAPTER 96.

MINES AND MINING
PLATTING FRACTIONAL CLAIMS

(S. B. No. 148, by Senators Lewis and Candlish)

AN ACT

TO ENABLE THE OWNER, OR OWNERS, OF ADJOINING, ABUTTING OR ADJACENT FRACTIONS OF PATENTED MINING PROPERTIES TO PLAT THE SAME FOR REVENUE PURPOSES AND FOR CONVENIENT DESCRIPTION.

Be It Enacted by the General Assembly of the State of Colorado:

Owners may
plat

Section 1. That the owner, or owners, of adjoining, abutting or adjacent fractions of patented mining properties may plat the same for taxation and description.

Procedure

Section 2. Such owner, or owners, shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe each fraction as blocks and lots, describing by appropriate lines each fraction or parcel of land so platted. Reference shall also be made upon the plat to some known and permanent monument from which surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant and fix at least three feet below the surface, at a corner most convenient for reference, a good and sufficient stone, the total expense of which shall not exceed the sum of fifteen dollars (\$15), and the surveyor shall designate upon the plat the point where the same may be found.

Monument
markings

Section 3. The plat, having been completed, shall be certified by the surveyor and acknowledged by him before a Notary Public, or other officer authorized to take acknowledgments of deeds. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the office of the County Clerk and Recorder in and for the county in which the land is situated, in the same manner as a deed of real estate is recorded, and such acknowledgment and record shall have like legal effect, and certified copies thereof and of such plat may be used in evidence to the same extent and with like effect, as in case of deeds.

Plat certified
to and
recorded

Section 4. The acknowledgment and recording of such plat shall not be held in law or in equity to be a conveyance in fee simple of any ways, driveways, or passage-ways noted on such plat, and no such plat or acknowledgment shall be admitted to record or have any effect in law or in equity until the fees of the surveyor and the charges herein and hereinafter specified shall be paid.

Fees and
charges must
be paid

Section 5. It shall be the duty of the County Clerk and Recorder of each county where such adjoining, abutting or adjacent fractions of patented mining properties are situated, to provide an appropriate book or books for the making and preservation of the plats, surveys, certificates and acknowledgments hereby contemplated, and he shall be permitted to charge and collect from the owner or owners of each such subdivision, as recording fees, the reasonable cost of recording the same, not to exceed the sum of twenty-five dollars (\$25) for any one plat or subdivision.

County Clerk
to provide
suitable
books

Section 6. It shall be the duty of the County Clerk and Recorder to designate by name or number such plat and each separate fraction of land included therein, and such fractions shall thereafter be known and described for taxation and all other purposes, as so designated.

County Clerk
to designate
by name and
number

Approved: April 10, 1917.

CHAPTER 97.

MINES AND MINING
RIGHTS OF WAY ACROSS CLAIMS

(S. B. No. 419, by Senators Candlish and Lewis)

AN ACT

TO AMEND SECTION FORTY-TWO HUNDRED AND SIXTEEN
(4216) OF THE REVISED STATUTES OF COLORADO, OF
1908, AND RELATING TO MINES AND MINING.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 4216 of the Revised Statutes of Colorado, 1908, be and the same is hereby amended to read as follows:

Rights of way
provided

Section 4216. All mining claims now located or which may be hereafter located, including patented and unpatented claims, shall be subject to the right of way of any ditch, flume, pipe line for transporting water or air for mining purposes, or of any tram, tramway or pack trail, whether now in use or which may be hereafter laid out across any such locations or claims; *provided always*, that any person, persons or corporation desiring to construct, maintain and operate any such flume, ditch, pipe line, tram, tramway or pack trail, shall make due and just compensation for such right of way to the owner or owners of the claim or claims through which it is proposed to construct, operate and maintain such flume, ditch, pipe line, tram, tramway or pack trail, and when the parties cannot agree upon such right of way and the amount of compensation to be paid the owner or owners of such claim or claims, the same shall be determined in

Compensation

manner as now provided by the law for the exercise of the right of eminent domain; and *provided further* that such ditch, or flume shall be so constructed that the water from such ditch, or flume, or pipe line shall not injure vested rights by flooding.

Ditches and
flumes made
safe

Approved: April 10, 1917.

CHAPTER 98

MINIMUM WAGES
LABOR OF WOMEN AND MINORS

(H. B. No. 39, by Mr. Crowley and Senators Riddle and Dunklee)

AN ACT

**FOR THE DETERMINATION OF MINIMUM WAGES AND
PROPER CONDITIONS OF LABOR FOR WOMEN AND
MINORS.**

Be It Enacted by the General Assembly of the State of Colorado:

Protection for
women and
minors

Section 1. The welfare of the State of Colorado demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals, and it is therefore hereby declared, in the exercise of the police and sovereign power of the State of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Minimum Wage
Commission
created

Section 2. The Industrial Commission of Colorado is hereby made and constituted a Minimum Wage Commission for this state, and the word "Commission" as hereinafter used refers to and means said Industrial Commission of Colorado, and the word "Commissioner" as hereinafter used refers to and means a member of said Commission. The act and decision of a majority of said Commission or any deputy when duly authorized by the Commission, shall be deemed the act or decision of said Commission, and no vacancy shall impair the right of the remaining Commissioners to exercise all the powers of said Commission.

Section 3. The Commission may appoint a Secretary, **Employees** who shall devote his entire time to the duties of the office, and shall receive a salary of \$1,800.00 per annum, payable monthly. The Commission may employ and fix the compensation of such deputies, expert, clerical and other assistants as may be necessary to carry out the purpose of this act, and may include among its expenses the traveling expenses of the members of the Commission and its employees. All employees shall hold office at the pleasure of the Commission. The Commission may incur other expenses not exceeding the annual appropriations therefor, and shall be provided with a suitable office in the State Capitol. **Term of employees**

Section 4. It shall be unlawful to employ women **Regulation of wage conditions** in any occupation within the State of Colorado for wages which are inadequate to supply the necessary cost of living, and to maintain in health the women so employed; and it shall be unlawful to employ minors in any occupation within the State of Colorado for unreasonably low wages; and it shall be unlawful to employ women or minors in any occupation within this State under conditions of labor detrimental to their health or morals.

Section 5. It shall be the duty of the commission **Commission to investigate wage conditions** to inquire into the wages paid to women employees above the age of eighteen (18) years, and minor employees under eighteen (18) years of age; also into the conditions of labor surrounding said employees, in any occupation in this state, if the commission has reason to believe that said conditions of labor are detrimental to the health or morals of said employees, or that the wages paid to a substantial number of employees are inadequate to supply the necessary cost of living and to maintain such employees in health. The word "minor" as used in this act, refers to and means any person of either sex under the age of eighteen (18) years, and the word "woman" as used in this act refers to and means a female person of or over the age of eighteen (18) years. At the request of not **Definitions**

less than twenty-five (25) persons engaged in any occupation in which women or minors are employed, the commission shall forthwith make such investigation as is herein provided. The commission may, at any time, make such investigation upon its own initiative.

Commission to determine minimum living wages and working conditions

Section 6. The commission is hereby authorized and empowered to ascertain and determine, and shall ascertain and determine, the minimum wages sufficient for living wages for women and minors of ordinary ability, including minimum wages sufficient for living wages, whether paid according to time rate or piece rate; also the minimum wages sufficient for living wages for learners and apprentices; also standards of conditions of labor and hours of employment not detrimental to health or morals for women and for minors, and what are unreasonably long hours for women and minors, and what are unreasonably low wages for minors, in any occupation in this state.

Powers of commission in making investigations

Section 7. The commission shall, for the purposes of this act, have full power and authority to investigate and ascertain the conditions of labor surrounding said women and minors, also the wages of women and minors in the different occupations in which they are employed, whether paid by time rate or piece rate, in the State of Colorado. The word "occupation" as used in this act shall be so construed as to include any and every vocation, trade, pursuit and industry. The commission shall have full power and authority as a commission, or through any authorized representative or any commissioner, to inspect and examine and make excerpts from any and all books, reports, contracts, pay rolls, documents, papers and other records of any employer of women or minors, that in any way appertain to or have bearing upon the question of wages of any such women workers or minor workers in any of said occupations, and to require from any such employer full and true statements of the wages paid to

all women and minors by any employer. Every employer of women and minors shall keep a register of the names, ages, dates of employment and residence addresses of all women and minors employed, and it shall be the duty of every such employer, whether a person, firm, or corporation, to furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person or a member of the firm, or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof; also to allow the commission, any authorized representative, or any commissioner, free access to the place of business of such employer for the purpose of making any investigation authorized by this act.

Section 8. The commission may hold public hearings at such times and places as it deems proper for the purpose of investigating any of the matters it is authorized to investigate by this act, at which hearings employers, employes or other interested persons may appear and give testimony as to the matter under consideration. The commission, or any member thereof, shall have power to subpoena and compel the attendance of any witnesses and to administer oaths; also, by subpoena, to compel the production of any books, papers or other evidence at any public hearing of the commission or at any session of any wage board called and held, as hereinafter provided. All witnesses subpoenaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the District Court of the State of Colorado.

Public
hearings

Witness fees

If any person shall fail to attend as a witness, or to bring with him any books, papers or other evidence when subpoenaed by the commission, or shall refuse to testify when ordered so to do, the commission may apply to any

Failure to
obey subpoena
deemed
contempt

District Court or County Court in this State to compel obedience on the part of such person, and such District Court or County Court shall thereupon compel obedience by proceedings for contempt, as in cases of disobedience of any order of said Court in a proceeding pending before said Court. The commission shall have power to make and enforce reasonable and proper rules and procedure and shall not be bound by the technical rules of evidence. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe.

Findings of
commission

Section 9. If, after investigation, the commission is of the opinion that the conditions of employment surrounding said employes are detrimental to the health or morals, or that a substantial number of women workers in any occupation are receiving wages, whether by time rate or piece rate, inadequate to supply the necessary costs of living and to maintain such workers in health, the commission shall proceed to establish minimum wage rates, either directly or by the indirect method hereinafter described. If it selects the direct method, the commission shall establish the minimum wage rates. If it adopts the indirect method, the commission shall establish a wage board, consisting of not more than three (3) representatives of employers in the occupation in question, and of an equal number of persons to represent the female employes in said occupation, and of an equal number of disinterested persons to represent the public, and some one representing the commission, if it so desires. The commission shall name and appoint all members of such wage board and designate the chairman thereof; *provided, however*, that the selection of members representing employers and employes shall be, so far as practicable, through election by employers and employes respectively, subject to approval and selection by the commission, as aforesaid. At least one representative of the employers, at least one representative

Methods of
establishing
minimum
wages

Wage Board

of the public shall be a woman. The members of the wage board shall be compensated at the same rate and fees for service as jurors in counties of the second class, and they shall be allowed their necessary traveling and clerical expenses incurred in the actual performance of their duties, these payments to be made from the appropriations for the expenses of the commission. The proceedings and deliberations of such wage board shall be made a matter of record, for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. Each wage board shall have the same power as the commission to subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Witnesses subpoenaed by a wage board shall be allowed the same compensation as when subpoenaed by the commission.

Compensation

Section 10. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid or material to the subject of inquiry in the occupation in question. Each wage board shall endeavor to determine, if requested so to do by the commission, the standard conditions of employment; also the minimum wage, whether by time rate or piece rate, adequate to maintain in health and to supply with the necessary cost of living, a female employe of ordinary ability in the occupation in question, or in any branches thereof; also suitable minimum wages (graded, so far as practicable, on a rising scale toward the minimum allowed experienced workers) for learners and apprentices; also suitable minimum wages for minors below the age of eighteen (18) years. When a majority of the members of a wage board shall agree upon standard conditions of employment or minimum wage board determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto. A majority of the members of any such wage board shall constitute a quorum.

Duties of
Wage Boards

Commission to
review report
of Wage Board
and hold
hearings on
same

Public hearings

Commission to
render orders

Notification
to employer

Section 11. Upon receipt of a report from a wage board, the commission shall review the same and may approve or disapprove any or all the determinations, or may re-commit the subject to the same or a new wage board. If the commission approves any or all of the determinations of the wage board, said commission shall publish notice not less than once a week for two (2) successive weeks in a newspaper of general circulation published in the county or counties in which any business directly affected thereby is located, that it will, on a date and at a place named in said notice, hold a public meeting, at which all persons in favor of or opposed to said recommendations will be given a hearing; and after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employes in the occupation directly affected thereby to preserve and comply with such recommendations and said order. Said orders shall become effective in thirty (30) days after it is made and rendered and shall be in full force and effect on and after the thirtieth (30th) day following its making and rendition. After said order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order, or to employ any woman worker in any occupation covered by said order at lower wages or under other conditions than are authorized or permitted by said order.

Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman or minor for more hours per day or per week than the maximum

now fixed by law; *provided, however*, that in case of emergencies which may arise in the conduct of any industry or occupation, overtime may be permitted under conditions and rules, and for increased minimum wages, which the commission, after investigation, shall determine and prescribe by order, and which shall apply equally to all employers in such industry or occupation.

Emergency
cases

Section 12. Whenever a minimum wage rate, or a new standard of conditions of employment established in any occupation, has been established in any occupation, the commission may, if it deems proper or necessary so to do, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board; *provided, however*, that, pending any new determination, any minimum wage rate and any new standard of conditions of employment theretofore established shall be and continue in force and effect.

Reconvening
of Wage Board

Section 13. For any occupation in which a time rate only has been established, the commission may issue to any woman physically defective or crippled by age or otherwise, or less efficient than women workers of ordinary ability, a special license authorizing the employment of the licensee at such wage less than said legal minimum wage as shall be provided by said commission and stated in said license; *provided*, that the number of such persons so specially licensed shall not exceed one-tenth of the whole number of workers in any establishment.

License for
those
physically
defective

Section 14. The commission may at any time inquire into the wages paid to minors and the conditions of their employment in any occupation, and may, after public hearings, determine minimum wages and working conditions suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.

Wages and
working con-
ditions for
minors

Penalty for
discharge or
discrimination
by employer

Section 15. Any employer who discharges or threatens to discharge, or in any other way discriminates against an employe because such employe serves upon a wage board, or is active in its formation, or has testified or is about to testify, or because the employer believes that said employe may testify in any investigation or proceeding relative to enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred (\$200.00) dollars, nor more than one thousand (\$1,000.00) dollars for each such misdemeanor. The commission shall, from time to time, investigate and report to the proper prosecuting officials whether employers in each occupation investigated are obeying its decrees, and members and employes of the commission may cause informations to be filed with, and prosecutions to be instituted by, the proper prosecuting officials for any violation of any of the provisions of this act.

Prosecutions

Penalty for
violation

Section 16. The minimum wages for women and minors fixed by the commission, as in this act provided, shall be the minimum wages to be paid to such employes, and the payment to such employes of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, individually or as an officer, agent, or employe of a corporation, or other person, pays or causes to be paid to any such employe a wage less than such minimum, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100.00) dollars, or by imprisonment for not less than thirty (30) days, or by both such fine and imprisonment.

Prima facie
evidence

Section 17. In every prosecution for the violation of any provision of this act, the minimum wage established by the commission, as herein provided, shall be prima facie presumed to be reasonable and lawful and to be the wage required herein to be paid to women and minors. The findings of fact made by the commission

acting within its powers shall, in the absence of fraud, be conclusive, and the determination made by the commission shall be subject to review only in the manner hereinbefore prescribed.

Section 18. An employe receiving less than the legal minimum wage applicable to such employe shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage. Employe may recover

Section 19. Any person may register with the commission complaint that the wages paid to an employe for whom a rate has been established are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than accords with such rate. Investigation of complaints

Section 20. The commission shall, on or before the first day of January of the year 1919, and biennially thereafter, make a succinct report to the Governor and the General Assembly of its works and any proceedings under this act during the preceding two years. Report

Section 21. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of three thousand (\$3,000.00) dollars to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act for the years 1917 and 1918. The expenditures authorized shall be payable at the end of each month, upon certificate made by the commission to the Auditor of State, who shall draw his warrant upon the State Treasurer; and the Auditor of State is hereby authorized and directed to draw said warrants, as aforesaid, upon receipt of certified vouchers of the chairman of said commission, attested by the secretary. Appropriation

Section 22. Whenever this act or any part thereof is interpreted by any court, it shall be liberally construed by such court. Liberal construction

If portions of
act are un-
constitutional

Section 23. If any part, section, sub-section, sentence, clause or phrase of this act is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act, and each part, section, sub-section, sentence, clause and phrase, irrespective of the fact that any one or more other parts, sections, sub-sections, clauses, phrases, word or words, be declared unconstitutional.

Act repealed

Section 24. Chapter 110 of the Session Laws of 1913, entitled "Minimum wage for women and minors," and all acts and parts in conflict with any of the provisions of this act are hereby repealed.

Safety clause

Section 25. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency
clause

Section 26. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force immediately after its passage.

Approved: April 20, 1917.

CHAPTER 99.

MORTGAGES**MANNER OF FORECLOSURE**

(S. B. No. 2, by Senator Knauss and Messrs. Anderson, Baer, Bills, Crowley, Harris, Linton, Meyer, Proske, Rogers, Steele, Willison, and Mrs. Heartz)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONCERNING FORECLOSURE OF MORTGAGES, DEEDS OF TRUST AND OTHER LIENS," APPROVED APRIL 10, 1905.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section One (1) of an act entitled **Act amended**
"An Act concerning foreclosure of mortgages, deeds of trust and other liens," approved April 10, 1905, be and the same is hereby amended so as to read as follows:

Section 1. No mortgage, deed of trust or other security constituting a lien or encumbrance upon any property, real or personal, owned by any person at the date of his death or at the date of the adjudication of his mental incompetency, or which secures an indebtedness constituting a claim against the estate of any deceased person or mental incompetent, shall be foreclosed except as follows: **Foreclosure of mortgage**

(a) If letters testamentary or of administration or conservatorship issue within one year from such death or adjudication from the County Court in this state having jurisdiction of the matter, such mortgage, deed of trust or other security may be foreclosed within such year, otherwise than by suit, only by permission of such County Court, which permission, if the indebtedness secured be a claim against the estate of the decedent or mental incom- **In cases where letters testamentary, etc., issue**

petent, shall not be granted until such claim shall have first been proven and allowed, or (if the amount secured be not a claim against the estate) until the validity of the lien or encumbrance and the amount secured thereby shall have first been duly proved.

Cases where no
letters issue

(b) If no letters testamentary or of administration or conservatorship issue within one year from such death or adjudication from the County Court having jurisdiction of the matter, such mortgage, deed of trust or other security may thereafter be foreclosed as though there had been no such death or adjudication.

Suit for fore-
closure

(c) Any such mortgage, deed of trust or other security may be foreclosed at any time by suit in any court of competent jurisdiction; and must be foreclosed by such suit if letters are issued as aforesaid and the indebtedness secured shall not have been proved and allowed as a claim against the estate, or (in case of no claim existing against the estate) the validity of the lien or encumbrance and the amount secured shall not have been duly approved, as hereinabove required. No deficiency judgment shall be rendered against an estate in any such case if the foreclosure suit be not begun within one year from the issue of letters unless the indebtedness shall have been within such year presented for proof and allowance as a claim against said estate.

Repealing
clause

Section 2. All acts or parts of acts in conflict with this act are hereby repealed.

Approved: April 6, 1917.

CHAPTER 100.

NATIONAL ANTHEM

MISUSE OF

(S. B. No. 90, by Senator Starkweather)

AN ACT

TO PREVENT THE MISUSE OF OUR NATIONAL ANTHEM,
"THE STAR-SPANGLED BANNER," AND TO PROVIDE
PENALTIES FOR A VIOLATION OF THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the National Anthem, "The Star Spangled Banner" shall not be played, sung or rendered in any public place or assemblage in Colorado, except as an entire or separate composition or number; that "The Star Spangled Banner," or any part thereof, shall not be played in a medley in any theatre or other place of amusement or in any other place of a public nature.

National Anthem to be played only as separate composition

Section 2. Any person, acting in his or her individual capacity, who shall violate any of the provisions of Section 1 of this act, or, any manager or owner of a place where the public assembles, who shall permit a violation of Section 1 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof before any Court of competent jurisdiction, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each separate offense.

Penalty

Approved: March 2, 1917.

CHAPTER 101.

NATIONAL GUARD

APPOINTMENT OF ADJUTANT GENERAL

(S. B. No. 205, by Senator West)

AN ACT

TO AMEND SECTION SIX (6) OF THE ACT ENTITLED "AN ACT CONCERNING THE ORGANIZATION OF THE ORGANIZED MILITIA, FIXING THE SALARY OF THE ADJUTANT GENERAL, AND ABOLISHING CERTAIN OFFICES AND DEPARTMENTS, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT," APPROVED APRIL 12, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. Section 6 of the act entitled "An Act concerning the organization of the organized militia, fixing the salary of the Adjutant General and abolishing certain offices and departments, and to repeal all acts and parts of acts in conflict with the provisions of this act," approved April 12, 1915, is hereby amended so as to read as follows:

Qualifications
of Adjutant
General

Section 6. The Adjutant General and all field officers shall be appointed by the Governor from persons who are members of the National Guard of Colorado and have served as commissioned officers for at least one year on the active list in the National Guard of Colorado or on the active list in the army of the United States, or from persons who are citizens of the State of Colorado and have served as commissioned officers for at least two years in the army of the United States.

Section 2. The General Assembly hereby declares Safety clause that this act is necessary for the immediate preservation of the public peace and safety.

Section 3. In the opinion of the General Assembly Emergency clause an emergency exists; therefore this act shall take effect and be in force after its passage.

Approved: March 16, 1917.

CHAPTER 102.

NATIONAL GUARD
COMPENSATION FOR DISABILITIES

(H. B. No. 249, by Mr. Ardourel)

AN ACT

TO PROVIDE FOR THE PAYMENT OF COMPENSATION FOR PERMANENT DISABILITIES AND DEATHS OF MEMBERS OF THE NATIONAL GUARD, OCCURRING IN THE SUPPRESSION OF INSURRECTION AND THE DEFENSE OF THE STATE.

Be It Enacted by the General Assembly of the State of Colorado:

Compensation
paid for
insurrection
bonds

Section 1. That compensation to the members of the National Guard of Colorado for permanent disabilities received in the service of the State during the years 1913 and 1914, and compensation for the deaths of members of the National Guard while in such service during said period shall be held to constitute expenses incurred in suppressing insurrection and defending the state, and shall be paid from the proceeds of "Insurrection Bonds, Series 1914."

Claims audited

Section 2. That all claims for such compensation shall be presented to and audited by the Auditing Board, created by Section 7 of an act of the General Assembly of the State of Colorado, entitled "An act to provide a bond issue for the purpose of paying the expenses heretofore incurred, and which may hereafter be incurred in suppressing insurrection and defending the state," approved May 16, 1914, in the same manner as other claims

payable from the proceeds of said "Insurrection Bonds, Series 1914."

Section 3. In the opinion of the General Assembly **Safety clause**
this act is necessary for the immediate preservation of
the public health, peace and safety.

Section 4. In the opinion of the General Assembly **Emergency clause**
an emergency exists; therefore, this act shall take effect
and be in force from and after its passage.

Approved: April 14, 1917.

CHAPTER 103.

NATIONAL WESTERN STOCK SHOW
AUTHORIZING PREMIUMS

(H. B. No. 535, by Mr. Murphy)

AN ACT

**AUTHORIZING THE STATE BOARD OF AGRICULTURE TO
OFFER PREMIUMS AT THE ANNUAL NATIONAL WEST-
ERN STOCK SHOW AND MAKING AN APPROPRIATION
THEREFOR.**

Be It Enacted by the General Assembly of the State of Colorado:

Premiums for
livestock
exhibits

Sec. 1. For the purpose of providing education in the breeding and feeding of live stock and the development of the live stock industry the State Board of Agriculture is is authorized to offer annually at the National Western Stock Show, held in the City of Denver, Colorado, each year, suitable premiums on cattle, swine, sheep, horses and poultry to an amount not to exceed \$5,000.00 in each year.

How paid

Sec. 2. The premiums so offered by the State Board of Agriculture shall be opened to competition to all live stock in the classes provided for, said classes and premiums to be prepared by the State Board of Agriculture, subject to the approval of the Western Stock Show Association and said premiums shall be paid by voucher approved by the State Board of Agriculture through its usual officers drawn by the Auditor of the State of Colorado against the State Treasurer from any funds available for that purpose and not otherwise appropriated.

Sec. 3. For the purpose of paying said premiums under the provisions of this act, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of \$5,000.00 for each and every year until the year 1928, said appropriation to become available on January 1, 1918, and upon the first day of January each year thereafter. Appropriation

Approved: April 10, 1917.

CHAPTER 104

OFFICIAL RECORDS

PHOTOGRAPHIC COPIES DEEMED RECORDING

(S. B. No. 115, by Senator Napler)

AN ACT

RELATING TO OFFICIAL RECORDS.

Be It Enacted by the General Assembly of the State of Colorado:

Photographic
copies of docu-
ments deemed
recording

Section 1. Whenever the statutes require court records, deeds, patents, plats, charters of corporations, certificates of decrease of capital stock or other instruments, papers, or documents, to be recorded by any city, county or state officer, the making of photographic copies of such instruments, papers or documents, shall be deemed recording. Such photographic copies may be bound, paged and indexed whenever it is so provided for instruments, papers or documents, recorded by hand, and such photographic copies when bound together shall be deemed record books. This Act shall be supplemental to existing statute.

Approved: April 21, 1917.

CHAPTER 105.

ORES AND MINERALS**RESTRICTION OF SALES**

(S. B. No. 307, by Senator Lewis)

AN ACT

TO REQUIRE WRITTEN EVIDENCE OF THE SALE OR DELIVERY OF ANY ORES, CONCENTRATES OR AMALGAMS, BEARING GOLD, SILVER, TUNGSTEN, VANADIUM, URANIUM, MOLYBDENUM OR OTHER RARE MINERALS, GOLD DUST OR SILVER BULLION, NUGGETS OR SPECIMENS OF THE VALUE OF TEN DOLLARS OR MORE, BY PERSONS OTHER THAN THOSE DULY LICENSED UNDER THE PROVISIONS OF CHAPTER 120 OF THE SESSION LAWS OF 1915, ENTITLED "AN ACT TO REGULATE THE BUSINESS OF MILLING, SAMPLING, CONCENTRATING, REDUCING, PURCHASING AND RECEIVING FOR SALE ORES, CONCENTRATES AND AMALGAMS, BEARING GOLD OR SILVER, GOLD DUST, GOLD OR SILVER BULLION, NUGGETS AND SPECIMENS", APPROVED APRIL 12, 1915, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be unlawful for any person, whether acting for himself or as agent for another, to sell, and for any person, whether acting for himself or as agent for another, to purchase, any ores, concentrates, amalgams, bearing gold, silver, tungsten, vanadium, uranium, molybdenum, or other rare minerals, gold dust, gold or silver bullions, nuggets or specimens of a value of Ten Dollars (\$10.00) or more, unless at the time of the sale the vendor shall sign with his true name and de-

Sale of ores
and minerals
restricted

liver to the purchaser a memorandum in which he shall state the date of the sale, his residence, the nature and amount of the article sold, the source from which the vendor obtained the same, and the consideration actually paid.

Signed memo-
randum

Section 2. It shall be unlawful for any person, whether acting for himself or as agent for another, to deliver any of the above specified property of the value of Ten Dollars (\$10.00) or more, to any other person as agent, broker, or bailee, unless he shall at the time of such delivery, deliver to such agent, broker or vendor a memorandum signed with his true name in which he shall state the date of the transaction, his residence, the nature and quantity of the property delivered, the source from which he obtained such property, and the purpose of which the delivery is made.

Contents of

Memorandum
to be preserved
for year

Section 3. Every person required to receive a memorandum under the provisions of this Act shall carefully preserve the same for a period of at least twelve (12) months, and shall at all reasonable times permit a duly authorized representative of the Secretary of State to inspect same, and a refusal by any such person so to do shall be deemed a violation of the provisions of this Act.

Fictitious
name or false
statement

Section 4. If any person required to execute a memorandum under the provisions of this Act shall sign same with any other than his true name, or shall make any false statement whatsoever therein, he shall be deemed guilty of a violation of the provisions of this Act.

If any person required by the provisions of this Act to receive a memorandum shall receive the same knowing the same not to be signed with the true name of the person delivering such memorandum, or knowing any statement therein contained to be false, he shall be deemed to be guilty of the violation of the provisions of this Act.

Penalty for
violation

Section 5. Any person convicted of the violation of any of the provisions of this Act shall be punished by a

fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment, in the discretion of the Court.

Section 6. This Act shall not be deemed to apply to any person duly licensed under the provisions of Chapter 120 of the Session Laws of 1915, entitled "An Act to regulate the business of milling, sampling, concentrating, reducing, purchasing and receiving for sale ores, concentrates and amalgams, bearing gold or silver, gold dust, gold and silver bullion, nuggets and specimens", approved April 12, 1915, or under any act which may hereafter be enacted in lieu thereof, nor to agents, servants or employees of any such licensee, while actually engaged in the business of his employer; nor shall this act be deemed in any manner to affect or impair said Chapter 120 of the Session Laws of 1915, or to relieve any person, firm, or association or corporation from the duty of procuring a license thereunder if required by the terms of said act. The term "person" as used in this act shall be construed to mean any person, copartnership, association or corporation.

When act does
not apply

Section 7. Whereas, in the judgment of the General Assembly an emergency exists, this Act shall take effect from and after the date of its passage.

Emergency
clause

Approved: April 10, 1917.

CHAPTER 106.

PHEASANTS**KILLING AND TRAPPING OF**

(S. B. No. 60, by Senator Staley and Mr. Friend)

AN ACT**CONCERNING PHEASANTS AND THE KILLING AND TRAPPING THEREOF.**

Be It Enacted by the General Assembly of the State of Colorado:

When pheasants may be killed or trapped

Section 1. Pheasants which are destroying crops of grain, vegetables or fruit, may be killed or trapped by the owner, tenant or lessee of the land upon which such destruction is taking place, providing said owner, tenant or lessee, first secures a permit, as hereinafter provided, from the State Game and Fish Commissioner.

Game Commissioner to issue permits

Section 2. The State Game and Fish Commissioner shall issue permits for the killing or trapping of pheasants, to the owner, tenant or lessee of land, upon which it is clearly shown that pheasants are damaging crops, said permit to be issued under such rules and regulations, and to carry such restrictions, as the State Game and Fish Commissioner shall prescribe; *provided, however*, that no birds thus killed or trapped shall be placed upon the market or offered for sale.

Approved: April 10, 1917.

CHAPTER 107

PLUMBINGSUPERVISION, REGULATION AND INSPECTION OF

(H. B. No. 322, by Mr. Baer)

AN ACT

RELATING TO THE PUBLIC HEALTH AND PROVIDING FOR THE SUPERVISION, REGULATION AND INSPECTION OF PLUMBING AND THE LICENSING OF PLUMBERS, APPROPRIATING THE FEES COLLECTED IN CONNECTION THEREWITH, AND PROVIDING CERTAIN PENALTIES FOR THE VIOLATION OF SAID ACT, AND REPEALING ALL ACTS IN CONFLICT THEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The state board of health, in pursuance of its general power of supervision over the interests of the health and life of the citizens of this state, and of the sanitary conditions under which they live, is hereby authorized and empowered to make, prescribe, enforce, amend and repeal rules and regulations governing the plumbing, drainage, sewerage, and plumbing ventilation of all buildings in this state, and thereby to establish and maintain minimum standards, which shall be uniform throughout the state, which rules and regulations shall have the force and effect of law, when not in conflict with the statutes of the State of Colorado, *provided, however*, that this act shall not be construed to deny any municipality the right to adopt and enforce such rules and regulations in the premises, as are not inconsistent with the laws of the state.

State Board
of Health
authorized to
make rules
governing
plumbing, etc.

Employees

Section 2. The state board of health is hereby authorized and empowered to employ, promote and discharge such assistants and employes, as it may deem necessary to properly carry out the intent and purpose of this act, and to fix and pay their compensation and salaries and to provide for their duties and the terms of their employment, *provided, however*, that the Governor of the State of Colorado, shall appoint with power of removal one Chief Plumbing Inspector and such Deputy Plumbing Inspectors as the said board of health may deem necessary, each of whom shall be qualified from practical experience as a plumber, to make such inspections as may be necessary under this act, or as shall be provided for by the rules and regulations of the State Board of Health, and who shall hold office for the term of two years from the date of his appointment and until his successor has been appointed and qualified. The Chief Plumbing Inspector shall receive a salary of Twenty-four hundred (\$2400) Dollars per annum, payable in monthly installments of Two hundred (\$200) Dollars per month. The said Deputy Plumbing Inspectors shall receive such salary, not exceeding the sum of Fifteen hundred (\$1500) Dollars per annum, as the state board of health in its rules and regulations may provide. The said inspectors and each of them shall be employes of the state board of health and subject to its rules and regulations. Each plumbing inspector shall be reimbursed for his actual traveling expenses by the state board of health. All compensation and salaries thus authorized and contracted for, and all expenses incurred by the state board of health in the operation of this act shall be provided for and paid out of the general fund of the state treasury and charged against the appropriation account of the state board of health set aside for the enforcement of this act.

Chief Plumbing Inspector**Term****Salary****Deputy Inspectors' salary****Fund****Licenses and permits**

Section 3. The state board of health is hereby authorized and empowered to grant and issue licenses and

permits to persons desiring or intending to engage in the trade, business or calling of journeyman plumber or master plumber, in the manner and upon the terms and conditions hereinafter provided.

Section 4. The state board of health is hereby au- **Examination**
thorized, empowered and directed to prescribe, amend
and enforce rules and regulations consistent with this act
for the examination and licensing of journeyman plumb-
ers and master plumbers, and said board shall for this
purpose within sixty days after this act becomes a law,
appoint, with the power of removal, three plumbing ex-
aminers, of which one shall be a journeyman plumber, one
a master plumber, one a member or employe of the state
board of health to be known as "The Examining Board **Examining**
of Plumbers" whose duties shall be to examine, as to **Board**
their fitness and qualifications, all persons applying to
the state board of health for licenses to engage in the
business, trade or calling of a journeyman plumber or
a master plumber, and to promptly certify the results
thereof to the said state board of health.

Section 5. Each member of said board of examiners,
except a paid officer, member or employe of the state
board of health, shall receive a compensation of ten dol- **Compensation**
lars per day and expenses for each day in which such
member is actually engaged in attendance upon the meet-
ings of the board, to be audited and paid out of the gen-
eral fund of the state treasury and charged against the
appropriation account of the state board of health, set
aside for carrying into effect the provisions of this act.

Section 6. The state board of health may, if it deems
it necessary so to do, authorize and empower one member
only of said examining board of plumbers to hold and
conduct a certain specific examination, and report the
result thereof as herein provided for.

Section 7. The state board of health shall issue li- **Issuances of**
censes to such persons as have by said examination shown **license**

themselves fit, competent and qualified to engage in the business, trade or calling of a journeyman plumber or master plumber, as the case may be.

Power of
revocation

Section 8. The state board of health shall have power to revoke any journeyman or master plumber's license if the same was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent or has a second time wilfully violated any of the rules or regulations prescribed by said board; *provided*, that before any license shall be revoked, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said board, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall be not less than five days after the service thereof. The state board of health shall have power to appoint, by an order in writing, its secretary or any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the state board of health shall be based upon its examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of one year from the date of such revocation, but not before, apply for a new license.

Hearings

License neces-
sary to engage
in business

Section 9. No person shall hereafter engage in or work at the business, trade or calling of a journeyman plumber or of a master plumber in this state, until he shall have received from the state board of health a license either as a journeyman plumber or as a master plumber, as the case may be.

Master Plumber
must have
charge of
installation
work

Section 10. Any person, firm or corporation desiring to engage in or work at the business of installing plumbing, or who shall install plumbing in connection with the dealing in or selling of plumbing material and supplies, shall be required to have a master plumber in charge at

all times, who shall be responsible for the proper installation of all such plumbing; *provided*, that any person, firm or corporation selling or dealing in plumbing materials or supplies, but not engaged in the installation, alteration repairing or removal of plumbing, shall not be required to employ or have a licensed master plumber in charge, as in this section provided.

Section 11. All journeyman plumbers and master plumbers actually engaged in business as such at the time this act goes into effect may, within sixty days thereafter, procure a license as a journeyman plumber or master plumber, as the case may be, without examination, upon payment of the license fee herein required. All persons applying after the expiration of said sixty days for a license, shall be required to take the examination herein provided for, and satisfy the state board of health of their fitness and qualifications, except as herein otherwise provided.

Plumbers now
engaged in
business
licensed
without
examination

Section 12. The state board of health may issue temporary permits to engage in the work of a master plumber or a journeyman plumber on payment of the fees prescribed in this act for licenses in such case, and such permits may be revoked by the state board of health at any time, and if thereafter, upon examination, a license is granted, the fee paid for the permit shall apply on the license, which will run from the date of said permit. For the purpose of assisting in its work of issuing such temporary permits, the said board of health may appoint agents without compensation.

Temporary
permits

Section 13. Any person who has worked as an apprentice at the business, trade or calling of plumbing for such a length of time as the state board of health may prescribe in its rules and regulations, and who desires to take an examination to entitle him to a license as a journeyman plumber, may file his application for such examination with the state board of health, as herein

Licensing of
apprentices

provided, and said board may thereupon grant the applicant a permit to pursue said work in the capacity of a journeyman plumber until such time as the examining board shall have an opportunity to examine him.

License
without
examination

Section 14. The said board of health may license without examination, upon the payment of the required fee, applicants who are duly licensed under the laws of other states having requirements for the licensing and regulating of plumbing, deemed by the said board of health to be equivalent to the requirements of this state in the matter.

Expiration
of license

Section 15. All licenses issued during any year, unless sooner revoked, shall expire on December 31st of that year.

Master
Plumber's
rights

Section 16. A master plumber's license shall entitle the owner thereof to all the rights and privileges of a journeyman plumber.

Renewal of
license

Section 17. A license once issued under this act may be renewed at any time during the month of January in the year following its issuance on the payment of the renewal fee herein specified, and such a license may be renewed at any time during the month of February in the year following its issuance by the payment of the revival fee herein specified.

License fees

Section 18. The following shall be the fees charged in this act by the state board of health, to-wit:

Master plumber's license or permit.....	\$10.00
Renewal of master plumber's license.....	5.00
Journeyman plumber's license or permit.....	2.00
Renewal of journeyman plumber's license.....	1.00
Revival license fee, journeyman plumber.....	2.00
Revival license fee, master plumber.....	10.00
Examination fee for journeyman plumber.....	1.00
Examination fee for master plumber.....	5.00

Disposition
of fees

Section 19. All moneys received by the state board of health under the terms and provisions of this act shall

be paid within one week of their receipt into the general fund of the state treasury, and all such moneys are hereby set aside and appropriated to the state board of health, to carry into effect the provisions of this act.

Section 20. The board of health in each city of the first class of this state shall appoint, with the power of removal, one or more inspectors of plumbing, who shall be practical plumbers, duly licensed under this act, who shall not have been engaged in the occupation of a master plumber, for at least three months prior to their appointment. The compensation of such inspectors shall be determined by the board appointing them and shall be paid from the city or town treasury; they shall inspect all plumbing work in the city for which appointed, whether such work shall be new or consist of alterations and repairs, and shall report to the board appointing them all violations of any law, ordinance, by-law or the rules and regulations of the state board of health, relating to such work and shall perform such other appropriate duties as may be required.

Municipal
inspection

Section 21. Each city of the first class shall and any city or town of this state may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which supply or waste water or sewerage is used or carried, and provide that they shall not be placed in any building therein except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city or town, or such person or persons as either of said boards may designate; and shall further provide that no plumbing shall be done, except in case of repairing of leaks, without a permit being first issued therefor upon such terms and conditions as such city or town shall prescribe; *provided*, that no such ordinance, by-law, rule or regulation prescribed by any such city or town shall be

Municipal
rules and
regulations

inconsistent with this act or any rule or regulation adopted or prescribed by the state board of health.

Definitions

Section 22. For the purpose of this act the words and phrases used in this act and this section set forth, are defined to have the following meaning, to-wit:

A "journeyman plumber" is hereby defined to be any person other than a master plumber, who as his principal occupation is engaged in the practical installation, alteration, repair and removal of plumbing.

A "master plumber" is hereby defined to be any person skilled in the planning, superintending and the practical installation of plumbing and is familiar with the laws, rules and regulations governing the same.

A "plumber's apprentice" is hereby defined to be any person other than a journeyman or master plumber, who as his principal occupation is engaged in learning and assisting in the installation of plumbing and drainage.

Penalty for violation

Section 24. Any person who shall engage in the trade, business or calling of a master plumber or of a journeyman plumber, without a permit or a license, as provided for by this act, or who shall violate any of the provisions of this act, or the rules and regulations of the state board of health herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the state board of health, within the prescribed time, or who shall fail, neglect or refuse to obey any lawful order given or made by the state board of health, or a decree or judgment of court in the matter, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 or more than \$50, or to imprisonment in the county jail not exceeding thirty days, for each and every violation thereof. Each day of such violation shall constitute a separate offense. The Justices of the Peace in the several counties of the state are hereby given jurisdiction in the premises.

Sections repealed

Section 25. Sections numbered 4919, 4920, 4921, 4922, 4923, 4924, 4925, 4926, 4927, 4928, 4929 and 4930 of the

Revised Statutes of Colorado for the year 1908 are hereby repealed.

Section 26. All acts and parts of acts inconsistent or Repealing clause
in conflict with this act are hereby repealed.

Section 27. The General Assembly hereby declares Safety clause
that this act is necessary for the immediate preservation
of the public peace, health and safety.

Section 28. In the opinion of the General Assembly Emergency clause
an emergency exists; therefore, this act shall take effect
and be in force immediately after its passage.

Approved: April 20, 1917.

CHAPTER 108.

PUBLIC LANDS
DISPOSITION OF RENTALS AND ROYALTIES

(S. B. No. 118, by Senator Fincher)

AN ACT**PROVIDING FOR THE DISPOSITION OF THE RENTALS AND
ROYALTIES RECEIVED FROM CERTAIN STATE LANDS.***Be It Enacted by the General Assembly of the State of Colorado:*

Rentals and
royalties cred-
ited to proper
funds

Section 1. All rentals and royalties received by the State as rentals and royalties from stone, coal, oil, gas, gold, silver, or other mineral lands belonging to the State School Fund, or any other of the trust funds of the State, shall be placed to the credit of the proper permanent fund: *Provided*, that the State Board of Land Commissioners is hereby authorized to deduct from such receipts not to exceed ten (10) per cent. thereof for the purpose of paying the expenses of administering such lands; and, *Provided, further*, that this act shall not apply to rentals received merely for the use and occupation of the surface of any such lands.

Approved: March 16, 1917.

CHAPTER 109.

PUBLIC UTILITIES COMMISSION
GRADE CROSSINGS—SAFETY APPLIANCES

(S. B. No. 167, by Senator Andrew)

AN ACT

TO AMEND "AN ACT CONCERNING PUBLIC UTILITIES, CREATING A PUBLIC UTILITIES COMMISSION, PRESCRIBING ITS POWERS AND DUTIES, AND REPEALING CERTAIN ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH," APPROVED APRIL 12, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That "An Act concerning Public Utilities, creating a Public Utilities Commission, prescribing its powers and duties, and repealing certain acts and parts of acts in conflict therewith, approved April 12, 1913, be amended by adding thereto a section to be designated Section 29, as follows:

Act amended

Section 29. The commission shall have power, after hearing had on its own motion or upon complaint, to make general or special orders, rules or regulations or otherwise to require each public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employes, passengers, customers and the public and to require the performance of any other act which the health or safety of its employes, passengers, customers or the public may demand. The commission shall have power to determine, order and prescribe in accordance with the plans and

Power granted
Commission to
make rules and
orders safe-
guarding the
public

Grade crossings
to be made safe

specifications to be approved by it the just and reasonable manner including the particular point of crossing at which the tracks or other facilities of any public service company may be constructed across the tracks or other facilities if any other public service company at grade, or above or below grade, or at the same or different levels; or at which the tracks or other facilities of any railroad corporation or street railway corporation may be constructed across the tracks or other facilities of any other railroad corporation or street railway corporation or across any public highway at grade, or above or below grade; or at which any public highway may be constructed across the tracks or other facilities of any railroad corporation or street railway corporation at grade, or above or below grade; and to determine, order and prescribe the terms and conditions of installation and operation, maintenance and protection of all such crossings which may now or hereafter be constructed including the watchman thereat or the installation and regulation of lights, block, interlocking or other system of signaling, safety appliance devices or such other means or instrumentalities as may to the commission appear reasonable and necessary, to the end, intent and purpose that accidents may be prevented and the safety of the public promoted.

Jurisdiction
over crossings
already
established

The commission shall also have power upon its own motion or upon complaint and after hearing as hereinbefore provided, (of which all the parties in interest including the owners of adjacent property shall have due notice) to order any crossing aforesaid now existing or hereafter constructed at grade or at the same or different levels to be re-located or altered or to be abolished according to plans and specifications to be approved and upon just and reasonable terms and conditions to be prescribed by the commission, and to prescribe the terms upon which the separation should be made, and the proportion in which the expense of the alteration or abolition of the crossing, or the separation of the grade,

should be divided between the railroad or street railway corporation affected or between the corporation or corporations and the state, county, municipality or public authority in interest.

(a) All acts and parts of acts in conflict herewith are hereby repealed. **Repealing clause**

(b) It is hereby declared that this Act is necessary for the immediate preservation of public peace, health and safety. **Safety clause**

(c) In the opinion of the General Assembly an emergency exists in regard to the matters provided in this bill, and therefore, this Act shall take effect and be in force from and after its passage. **Emergency clause**

Approved: April 16, 1917.

CHAPTER 110.

PUBLIC UTILITIES COMMISSION
PRESCRIBING ITS POWERS AND DUTIES

(H. B. No. 238, by Messrs. Rogers and Mishou)

AN ACT,

TO AMEND "AN ACT CONCERNING PUBLIC UTILITIES, CREATING A PUBLIC UTILITIES COMMISSION, PRESCRIBING ITS POWERS AND DUTIES, AND REPEALING CERTAIN ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH," APPROVED APRIL 12, 1913.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That "An act concerning public utilities, creating a Public Utilities Commission, prescribing its powers and duties, and repealing certain acts and parts of acts in conflict therewith," approved April 12, 1913, be amended by adding thereto a section to be designated Section 35, as follows:

Certificate to
begin
construction

Section 35. (a) No public utility shall henceforth begin the construction of a new facility, plant or system, or of any extension of its facility, plant or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; *provided*, that this section shall not be construed to require any corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its

facility, or line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and *provided, further*, that if any such public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order prohibiting such construction or extensions or prescribing such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.

(b) No public utility shall henceforth exercise any right or privilege under any franchise, permit, ordinance, vote or other authority hereafter granted, or under any franchise, permit, ordinance, vote or other authority heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege: *provided*, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work; in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise, permit, ordinance, vote or other authority heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and *provided, further*, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

Certificate when
operations are
suspended

File copy of
articles of
incorporation
or charter

Granting of
certificate
optional

Preliminary
order

(c) Before any certificate may issue under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise, permit, ordinance, vote or other authority of the proper county, city and county, municipal or other public authority. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated facility, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If such public utility desires to exercise a right or privilege under a franchise, permit, ordinance, vote or other authority which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after such public utility has obtained the contemplated franchise, permit, ordinance, vote or other authority. Upon the presentation to the commission of evidence satisfactory to it that such franchise, permit, ordinance, vote or other authority has been secured by such public utility, the commission shall thereupon issue such certificate. The commission shall charge a reasonable fee, not exceeding fifty cents on each one thousand dollars of capital to be invested, for issuing said public convenience and necessity certificate.

(d) Every license, permit or franchise hereafter granted to any public utility other than a municipality shall be subject to the provision that the municipality in which all or part of its property is situated may purchase the property of such public utility actually used and useful for the convenience of the municipality at any time as provided herein, paying therefor just compensation to be determined by the commission and according to the terms and conditions fixed by said commission. Any such municipality is authorized to purchase such property, and every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission.

Municipality
may purchase
public utility

(e) Any municipality shall have the power to purchase either with or without an agreement with any public utility or to acquire and to operate the property of any public utility actually used and useful for the convenience of the public then operating under a license, permit or franchise existing at the time this act takes effect, or operating in such municipality without any permit or franchise.

Power to pur-
chase with or
without
agreement

(f) Whenever the commission shall have been notified by either party that the officials of a municipality have, by ordinance duly passed, expressed the intention and desire of the municipality to purchase the plant, property or facilities of a public utility, and that the parties of such purchase and sale have been unable to agree on just compensation to be paid and received or the officials of a municipality have by ordinance duly passed, expressed the intention and desire of the municipality to purchase any such plant, property or facilities of a public utility and the owner thereof has refused to sell the same, the commission shall proceed to set a time and place for a public hearing upon the matters of the just compensation to be paid for the taking of the property of such public utility and of all other terms and condi-

Procedure
in case of
disagreement

Hearing

tions of the purchase and sale, and shall give to the municipality and the public utility interested not less than 30 days' notice of the time and place when and where such hearing will be held and such matters considered and determined, and shall give like notice to all mortgagees, trustees, lienors, and all other persons having or claiming to have any interest in such public utility,

Notice

Publication

Commission shall determine and certify compensation and terms

Existing rights not disturbed

by publication of such notice once a week for not less than three successive weeks in at least one newspaper of general circulation and published in the county in which the property of such public utility to be taken is located, which publication shall be caused to be made by the municipality. Within a reasonable time, not exceeding one year, after the time fixed for such hearing in such notice, the commission shall, by order, fix and determine and certify to the municipal council, to the public utility and to any mortgagee, trustee, lienor or other creditor appearing at such hearing, the just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public, and all other terms and conditions of sale and purchase which it shall ascertain to be reasonable. The compensation and other terms and conditions of sale and purchase so certified shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality, and upon compliance with the terms and conditions of sale so certified, the exclusive use of the property taken shall vest in such municipality; *provided, however*, that this act shall in no way interfere with any existing right of condemnation of a municipality to acquire the property of any public utility, unless the municipality shall waive such right to so acquire by electing to purchase the plant, property or facilities of a public utility or a part thereof as provided in this act; and *provided, further*, that nothing herein contained shall in any way interfere

with any existing legal right which a municipality may have to impose reasonable charges upon a public utility for the use of the streets, alleys and ways of the municipality by a public utility.

(g) Any municipality which has acquired or constructed any public utility plant, property or facility shall have the power to contract with a public utility for the operation of any part or the whole thereof, subject to the provisions of this act, and to exercise by the commission in respect to such public utility of the powers of regulation and supervision conferred upon it by this act.

Municipal-
owned utilities

(h) *Provided, however,* that this section shall not apply to steam railroads; and no municipality shall have the power or authority under this section to acquire any of the property which is connected with or used in aid of the general plant or system of any common carrier, as defined by 'An act to regulate commerce,' approved February 4, 1887, and the existing acts amendatory thereof and supplemental thereto.

Steam railroads
excepted

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause

Section 3. The General Assembly hereby finds and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Approved: April 16, 1917.

CHAPTER 111.

REAPPORTIONMENTSTATE SENATORS

(S. B. No. 1, by Senator Eaton)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE AGGREGATE NUMBER OF SENATORS AND REPRESENTATIVES OF THE STATE OF COLORADO; FIX THE RATIOS FOR THE NUMBER OF MEMBERS OF THE SENATE, THE NUMBER OF MEMBERS OF THE HOUSE OF REPRESENTATIVES, TO DIVIDE THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS, AND REPEAL ALL ACTS IN CONFLICT HEREWITH," BEING CHAPTER 131 OF THE SESSION LAWS OF 1913.

Be It Enacted by the General Assembly of the State of Colorado:

That Section 3 of Chapter 131 Session Laws, 1913, of the above entitled act be amended so as to read as follows:

Apportionment
and Election

Section 3. Four Senators shall be elected from the First Senatorial district, and one each from the Second, Third, Sixth, Tenth, Twelfth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Twentieth, Twenty-fifth and Twenty-seventh districts at the general election held in November, 1918, and their successors every four years thereafter.

Three senators shall be elected from the First Senatorial district and one each from the Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Eleventh, Thirteenth, Nineteenth, Twenty-first, Twenty-second, Twenty-

third, Twenty-fourth and Twenty-sixth districts at the general election held in November, 1920, and their successors every four years thereafter.

Approved: April 6, 1917.

CHAPTER 112.

REDEMPTIONSPROCEDURE AND TIME LIMIT

(S. B. No. 423, by Senator Eaton)

AN ACT

TO AMEND SECTIONS 3652 AND 3653 OF THE REVISED STATUTES OF COLORADO, 1908, CONCERNING REDEMPTIONS.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That section 3652 of the Revised Statutes of Colorado, 1908, be and the same is hereby amended to read as follows:

Redemptions,
how effected

It shall be lawful for any defendant, his heirs, executors, administrators or grantees, whose lands or tenements shall be sold by virtue of any execution, within six months from such sale, to redeem such lands or tenements by paying to the purchaser thereof, his executors, administrators or assigns, or the sheriff or other officer who sold the same, for the benefit of such purchaser, the sum of money which may have been paid on the purchase thereof, or the amount given or bid if purchased by the plaintiff in the execution, together with the interest thereon at the rate of eight per cent. from the time of such sale; and on such sum being paid as aforesaid, the said sale and the certificate thereupon granted shall be null and void.

Rate of Interest

Act amended

Section 2. That Section 3653 of the Revised Statutes of Colorado, 1908, be and the same is hereby amended to read as follows:

After the expiration of six months, and at any time before the expiration of nine months from the sale of any lands or tenements under the provisions of the preceding sections hereof, it shall be lawful for any judgment creditor to redeem the same in the manner following: Such judgment creditor shall sue out an execution upon his judgment, and place the same in the hands of the proper officer to execute the same, and thereupon said officer shall endorse upon the back of said execution a levy upon the lands or tenements which said judgment creditor may wish to redeem; and said judgment creditor shall pay to said officer in whose hands he shall have placed his execution, as aforesaid, the amount of money for which said premises shall have been sold, with eight per cent. per annum interest thereon from the date of such sale, for the use of the purchaser thereof, his executors, administrators or assigns, upon payment of which said officer shall file in the recorder's office of the county in which said lands are situated, a certificate of the redemption thereof by said judgment creditor, under such execution, and shall advertise and offer the same for sale, under and by virtue of said execution, in the same manner that other lands are required to be advertised and exposed to sale on execution in other cases.

Judgment
creditor may
redeem

Advertisement

Approved: April 6, 1917.

CHAPTER 113.

REVENUE

COMPENSATION OF COUNTY ASSESSORS

(H. B. No. 433, by Messrs. Cross and Barlow)

AN ACT

IN RELATION TO REVENUE AND AMENDING SECTION 2574
OF THE REVISED STATUTES OF COLORADO, 1908.*Be It Enacted by the General Assembly of the State of Colorado:*

Act amended

Section 1. That Section 2574 of the Revised Statutes of Colorado, 1908, be and the same is hereby amended to read as follows:

Salaries of
assessors

2574. The county assessors in the several counties of the state shall receive the following compensation to be paid quarterly out of the county treasury, to-wit:

In counties of the first class, an annual salary of forty six hundred (\$4,600) dollars; in counties of the second class, an annual salary of three thousand (\$3,000) dollars; in counties of the third class an annual salary of twenty-four hundred (\$2,400) dollars; in counties of the fourth class, division "A", an annual salary of twenty hundred (\$2,000) dollars; in counties of the fourth class, division "B" an annual salary of sixteen hundred (\$1,600) dollars. In counties of the fifth class an annual salary of twelve hundred (\$1,200) dollars.

Repealing
clause

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved: March 30, 1917.

CHAPTER 114.

REVENUELIMITATION OF LEVY

(H. B. No. 18, by Messrs. Banks and Smith and Senator McWilliams)

AN ACT

IN RELATION TO REVENUE, TO AMEND SECTION 11 OF AN ACT ENTITLED "AN ACT IN RELATION TO PUBLIC REVENUE AND LIMITING THE LEVY OF TAXES IN THE SEVERAL TAXING DISTRICTS OF THE STATE OF COLORADO; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH," APPROVED MAY 1, 1913, AS AMENDED BY CHAPTER 140 OF THE SESSION LAWS OF COLORADO, APPROVED APRIL 10, 1915, AND TO AMEND SECTION 14 OF SAID ACT, APPROVED MAY 1, 1913, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That section eleven of an act entitled "An act in relation to public revenue and limiting the levy of taxes in the several taxing districts of the State of Colorado; prescribing penalties for the violation of this act and repealing all acts or parts of acts in conflict herewith," approved May 1, 1913, as amended by Chapter one hundred forty of the Session Laws of Colorado, 1915, approved April 10, 1915, be and the same is hereby amended to read as follows:

"Section 11. All statutory rates making provision for fixing the limit of indebtedness of any school district or incorporated town shall be computed upon seventy per cent (70%) of the assessed valuation of such school district or incorporated town, instead of being computed

Acts amended

Limit of
indebtedness
how computed

upon the full assessed valuation as provided in the various statutes fixing such limitations.

Levies reduced

Except as herein otherwise provided all statutory rates, making provision for the general revenues of the state and for state institutions, schools, towns, cities and for all other purposes (except to provide for the payment of bonds and interest thereon), are hereby so reduced as to prohibit the levying of a greater amount of revenue for any year hereafter than was levied the preceding year, plus five per cent.

Powers of taxing bodies restricted

"Except as herein otherwise provided, the exercise of the taxing power by the General Assembly and by every taxing body to which authority has been delegated by the General Assembly to exercise the power of taxation, is hereby limited (except to provide for the payment of bonds and interest thereon), so as to prohibit the levying of a greater amount of revenue for any year hereafter than was levied the preceding year, plus five per cent."

Section amended

Section 2. That Section fourteen of the said act, approved May 1, 1913, be and the same is hereby amended to read as follows:

Exceptions

"Section 14. This act shall in no way limit the amount of any levy necessary to be made for the purpose of paying any bonded indebtedness and interest thereon lawfully incurred, or any judgment against any county, city, town or school district, or the interest on such judgment, or for special assessments for local improvements, in any town, city or city and county."

Repealing clause

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Safety clause

Section 4. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency clause

Section 5. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force immediately after its passage.

Approved: March 29, 1917.

CHAPTER 115.

REVENUEVALIDATING CERTAIN BONDS

(H. B. No. 20, by Messrs. Banks and Smith and Senator McWilliams)

AN ACT

VALIDATING CERTAIN NEGOTIABLE COUPON BONDS AUTHORIZED OR ISSUED BY COUNTIES, CITIES, TOWNS, OR SCHOOL DISTRICTS, WHICH MIGHT OTHERWISE BE INVALID BY REASON OF THE PROVISIONS OF SECTION 11 OF CHAPTER 137 OF THE SESSION LAWS OF COLORADO, 1913, AS AMENDED BY CHAPTER 140 OF THE SESSION LAWS OF COLORADO, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Any and all negotiable coupon bonds heretofore authorized by any county, city, town or school district in the State of Colorado, which might be invalid by reason of the debt limiting or tax limiting provisions of Section eleven (11) of an act entitled "An act in relation to public revenues and limiting the levy of taxes in the several taxing districts of the State of Colorado; prescribing penalties for the violation of this act and repealing all acts or parts of acts in conflict herewith," approved May 1, 1913, being Chapter 137, Session Laws of Colorado, 1913, as amended by Chapter 140 of the Session Laws of Colorado, 1915, approved April 10, 1915, are hereby validated as fully and completely as if said Section eleven of said act and the amendments thereof had never been made a part thereof.

Bonds validated

Safety clause

Section 2. The General Assembly hereby declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency
clause

Section 3. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force immediately after its passage.

Approved: March 29, 1917.

CHAPTER 116

RURAL POST ROADS**CO-OPERATION WITH U. S. GOVERNMENT**

(H. B. No. 96, by Mr. Mishou)

AN ACT

GIVING THE ASSENT OF THE GENERAL ASSEMBLY OF THE STATE OF COLORADO TO THE PROVISIONS OF THE ACT OF CONGRESS APPROVED JULY 11, 1916, (39 STATUTES AT LARGE, PAGE 355), ENTITLED "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN THE CONSTRUCTION OF RURAL POST ROADS, AND FOR OTHER PURPOSES."

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the General Assembly of the State of Colorado hereby assents to the provisions of the Act of Congress, approved July 11, 1916, (39 Statutes at Large, 355), entitled "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes." The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction and maintenance of roads under the provisions of said act of Congress, to submit such scheme or program of construction and maintenance as may be required by the Secretary of Agriculture and do all other things necessary fully to carry out the co-operation contemplated and provided for by said act for the construction or improvement of rural post roads the good faith of the state is hereby pledged to

State assents
to provisions
of congress-
sional act

Highway
Department
authorized to
make contracts
with U. S.

**Maintenance
of roads**

make available funds sufficient to equal the sums apportioned to this state by the United States Government during each of the five years for which Federal funds are appropriated by act of Congress approved July 11, 1916, by Section 3 of the said act, and to maintain the roads so constructed with the aid of funds so appropriated and to make adequate provision for carrying out such maintenance. All moneys accruing to the State Highway Fund under said act and available thereunder for expenditure in the construction and maintenance of highways, and all Federal funds apportioned to this state under said Act of Congress, shall be expended upon the highways comprising the system of state roads provided for by said act.

Safety clause

Section 2. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public safety.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 20, 1917.

CHAPTER 117.

SCHOOL DISTRICT FUNDS**DUTIES OF COUNTY TREASURERS**

(S. B. No. 331, by Senators Dodge, Dunklee, Eaton, Knauss, Hattenbach and Starkweather, and Messrs. Anderson, Baer, Bills, Crowley, Harris, Linton, Meyer, Proske, Rogers, Steele, Willison and Mrs. Heartz)

AN ACT

TO AMEND SECTION 5963 OF THE REVISED STATUTES OF 1908, RELATING TO REVENUE, AND PROVIDING FOR THE PAYMENT, IN CERTAIN COUNTIES, BY THE COUNTY TREASURER, OF ALL MONEY DUE CERTAIN SCHOOL DISTRICTS TO THE TREASURER OF SUCH SCHOOL DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Section 5693 of the Revised Statutes of 1908 is hereby amended to read as follows: Act amended

Section 5693. Every County Treasurer shall pay into the state treasury on or before the tenth day of each month all money due the state remaining in his hands on the first day of that month. *Provided, however,* that in any county in which there is a school district having a school population of more than 30,000, such County Treasurer shall pay to the treasurer of such school district, on or before the tenth of each month all money due such district remaining in the hands of such County Treasurer on the first day of such month. Duties of
County
Treasurers

Approved: April 10, 1917.

CHAPTER 118.

SCHOOL DISTRICTS**CLASSIFICATION—ELECTIONS—DIRECTORS**

(H. B. No. 279, by Messrs. Rogers, Harris and Crowley)

AN ACT

TO AMEND SECTION 5915 OF THE REVISED STATUTES OF COLORADO, 1908, AS AMENDED BY CHAPTER 207 OF THE SESSION LAWS OF COLORADO, 1911, AND CONCERNING SCHOOL DISTRICTS, THE NUMBER OF DIRECTORS AND THEIR ELECTION.

Be It Enacted by the General Assembly of the State of Colorado:

Acts amended

Section 1. That Section 5915 of the Revised Statutes of Colorado, 1908, as amended by Section One of Chapter 207 of the Session Laws of Colorado, 1911, be and the same is hereby amended to read as follows:

5915. There shall be elected in each school district in the manner prescribed by statute a board of directors. The number of members that shall constitute such board of directors shall be determined as follows:

Classification

The school districts shall be classified into first (1st), second (2nd) and third (3rd) classes. Districts containing a school population of one thousand or more shall be denominated districts of the first (1st) class; districts containing a school population of less than one thousand (1,000) and more than three hundred and fifty (350) shall be denominated districts of the second class; and districts containing a school population of three hundred and fifty (350) or less shall be denominated districts of the third (3rd) class.

At the regular election in 1913, as provided by statute, and ever six (6) years thereafter, there shall be elected by ballot in all districts of the first (1st) class, two (2) directors; and at the regular election in 1915, and every six (6) years thereafter, two directors; at the regular election in 1917, and every six (6) years thereafter, one (1) director; *provided*, that in school districts of the first (1st) class having a school population of twenty thousand (20,000) and over, at the regular election in 1917, as provided by statute, and every six (6) years thereafter, there shall be elected by ballot in all said districts of the first (1st) class having a school population of twenty thousand (20,000) or over, three (3) directors; and at the regular election in 1919, and every six (6) years thereafter, two (2) directors; at the regular election in 1921, and every six (6) years thereafter, two (2) directors. The term of office of all directors in all school districts of the first class shall be six (6) years and until their respective successors shall have been elected and qualified.

Election of
directors

Boards of directors and boards of education of districts of the first class shall, at the first meeting after such election, elect a president, a secretary, and a treasurer, each of whom shall hold office for the term of two years, and until their respective successors are elected and qualified; *provided*, that in districts of the first class the president shall be a member of the board. The secretary and treasurer may or may not be members of the board.

Officers elected

In districts of the second and third class the board shall consist of three directors, a president, a secretary, and a treasurer, one of whom shall be elected annually for a term of three years on the first Monday in May, and notice for such election when posted shall specify the name of the office to be filled and the length of term; *provided*, that at all such school elections held after the

passage of this act, the length of term shall be so specified that the term of the president shall expire in 1914 and every three years thereafter, that of the treasurer shall expire in 1915 and every three years thereafter; and that of the secretary shall expire in 1916 and every three years thereafter.

In districts of the first (1st) class and second (2nd) class the boards, after organization, shall exercise all the power given to the electors of school districts of the third (3rd) class, as specified in Section 5955 of the Revised Statutes of the State of Colorado of 1908.

Safety clause

Section 2. The General Assembly hereby finds, determines, and declares that this act, and each and every sentence, phrase, clause, section, and sub-section thereof is necessary for the immediate preservation of the public peace, health and safety.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved: February 26, 1917.

CHAPTER 119.

SCHOOL DISTRICTS
CONSOLIDATION—HOW EFFECTED

(S. B. No. 174, by Senator Dunlap)

AN ACT

RELATING TO THE CONSOLIDATION OF SCHOOL DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 2 and Section 3 of Chapter 204 of the laws of 1909, the same being entitled "An Act for the consolidation of adjoining school districts, and for the transportation of pupils in such enlarged districts, and to provide for courses of instruction in the same," be and the same is hereby amended to read as follows:

Act amended

Section 2. The School Boards of two or more adjoining school districts may submit the question of consolidation and on the petition of not less than one-fourth of the qualified electors of each of such school districts, must within thirty days after the filing of such petition submit such question to a vote of the qualified electors of such districts. For the purpose of determining the question in districts other than districts of the first class, the Secretary of the School Board in each district affected shall call a special meeting of the electors of said districts, to be held at the usual place of holding school district elections, by posting a notice in three conspicuous and public places in said district, stating the object

School Boards may submit question of consolidation

Special meeting of electors

and designating the day, hour and place of meeting. The legally qualified electors when assembled in accordance with the notice above specified shall vote by ballot for or against such consolidation. Those in favor will vote "For consolidation—yes," those opposed, "For consolidation—no." If at said meeting more votes are cast against the proposition than for it, the question shall not be again submitted to the electors of said adjoining districts for a period of one year. *Provided*, for the purpose of determining the question in districts of the first class the Board of Directors of each district must cause said question to be submitted to the qualified electors of their respective districts at the next general school election occurring after the petition is filed with the Secretary of the respective Boards, *provided* said petition is filed more than thirty days prior to the date of said election. At said election those in favor will vote "For consolidation" and those opposed "Against consolidation." If at said election there are more votes cast against consolidation in each district than for the consolidation the question shall not be again submitted to the electors of said adjoining districts for a period of two years.

Form of ballot

Procedure in
first class
districtsVote—how
taken

Union meeting

Officers of
consolidated
district

Section 3. Consolidation—organization meeting—procedure—officers—proviso—election. If in districts other than districts of the first class a majority of the electors vote in favor of consolidation it shall then be the duty of the school board in the district affected which has the largest school enumeration to call a union meeting by giving at least twenty days public notice in each district affected, at which meeting the organization of the consolidated district shall be perfected by the election of officers and other necessary procedure. After the organization of the union meeting is completed by the election of a chairman and secretary it shall proceed to elect, by ballot, a board of directors for such consolidated district, consisting of a President, a Secretary and a Treasurer,

who shall be held to constitute the Board of Directors of such consolidated district until the next annual school election, at which election one President shall be elected for a term of three years, one Secretary for two years and one Treasurer for one year, and annually thereafter a person to fill the vacancy occurring. *Provided* that when a district of the first class is joined with a district or districts of a lower class the board of directors of said first class district shall be held to be the board of directors of the consolidated district and shall serve out the term for which they were elected. *Provided*, that when a majority of the electors voting in each of two first class districts vote in favor of consolidation the Directors of the two school boards of said district shall constitute the school board of the new district until their respective terms have expired, *provided* that there shall be elected at each general school election after the consolidation of said district the number of Directors as is now or may hereafter be provided by law.

Directors of
first-class dis-
trict continued
in office

When directors
serve jointly

Section 4. In the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: March 19, 1917.

CHAPTER 120.

SCHOOL DISTRICTS
ORGANIZATION—PROCEEDINGS

(S. B. No. 232, by Senator Peterson)

AN ACT**RELATING TO SCHOOL DISTRICTS AND TO AMEND SECTION 5908 OF THE REVISED STATUTES OF COLORADO OF 1908.***Be It Enacted by the General Assembly of the State of Colorado:***Act amended**

Section 1. That Section 5908 of the Revised Statutes of Colorado of 1908 be, and the same is hereby, amended to read as follows:

Organization of electors

Section 5908. *Organization of Electors—Vote to Organize—Proceedings—When district cannot be divided.*

Vote to organize

Sec. 43. The qualified electors of such proposed new district, when assembled, in accordance with the notice above required, shall organize by electing a chairman and secretary. Every legally qualified elector, and none other, shall be entitled to vote at such meeting. After the organization of such meeting, as above mentioned, a vote shall be taken by ballot on the question whether or not the proposed district shall be organized. Those in favor of organization shall vote "Yes," and those opposed "No."

Proceedings

If two-thirds of the legal voters so voting are found to be in favor of such organization, and not otherwise, the meeting shall proceed to elect by ballot a board of directors of said district, who shall hold office until the ensuing regular election, as provided in section 44 of this act. The secretary of said meeting shall immediately transmit to the county superintendent a copy of the proceedings of the meeting, upon receipt of which, if the proceedings

are found to have been in accordance with law, he shall establish and number such district and enter a record of the same, and of the proceedings of the meetings, as provided in section 24 of this act; *provided*, If such organization of a new district works great hardship to any head of a family, a statement of the facts may be submitted to the county superintendent, and if, in the judgment of said county superintendent, good cause be shown for the transfer, he may be transferred to another district; *provided, further*, that no district shall hereafter be divided for the purpose of forming a new district, unless it contains an area of more than nine square miles or has an assessed valuation of more than fifty thousand (50,000) dollars and forty children of school age, nor shall a district be divided if by so doing the remainder of the district shall be found to contain less than twenty persons of school age, and when practicable, the district shall conform to government lines; *provided, also*, that no city or town shall hereafter be divided into two or more districts, nor shall the districts of the first class be divided, except upon a vote of electors of the district, submitted at an annual election, a majority of all votes cast being in favor of such division; and *provided further*, that a new, separate school district may be organized in compliance herewith out of the territory of a joint school district now belonging to two or more counties, if all of the territory of such proposed new, separate district lies wholly within one county.

Transfer

Area, population and valuation necessary for division

Division not permitted in cities or towns

Separate districts

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause

Section 3. The General Assembly hereby declares that this act is necessary for the immediate preservation of public safety.

Safety clause

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency clause

Approved: April 10, 1917.

CHAPTER 121.

SCHOOL DISTRICTS
POWERS AND DUTIES OF OFFICERS

(S. B. No. 334, by Senators Dodge, Dunklee, Starkweather, Eaton, Knauss and Hattenbach).

AN ACT

CONCERNING THE POWERS AND DUTIES OF SCHOOL DISTRICT OFFICERS AND AMENDING SECTIONS 5934 AND 5940 OF THE REVISED STATUTES OF COLORADO OF 1908.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 5934 of the Revised Statutes of Colorado of 1908 be, and the same is hereby, amended so as to read as follows:

Duties of president

The president, when present, shall preside at all meetings of the board and of the district; shall sign all orders on the county treasurer for the payment of money; *Provided*, that, except in districts having a school population of more than thirty thousand, no orders shall be drawn on the county treasurer, except in favor of parties to whom the district has become lawfully indebted. In districts having a school population of more than thirty thousand, such funds shall be held and distributed by the district treasurer to persons to whom the district shall have become lawfully indebted in accordance with the orders of the board. The president shall appear in behalf of the district in all suits brought by or against the same, but when he is individually interested, this duty shall be performed by the secretary. In the absence of the president, in districts of the second and third classes, the secretary shall preside at board and district meetings. In

District Treasurer

President to represent district in court proceedings

districts of the first class, the board may elect one of their members vice president. In case of the absence, refusal or inability of the president to perform any of his duties, the vice president shall have all the powers and perform all the duties of the president. Absence from the district of any school officer, when prolonged beyond thirty consecutive days, may be held to work a vacancy in said office, which may be filled according to law.

Duties of
Vice-President

Section 2. That section 5940 of the Revised Statutes of Colorado of 1908 be and the same is hereby so amended as to read as follows:

Act amended

It shall be the duty of the treasurer to countersign all warrants drawn by the president and secretary on the county treasurer in favor of parties to whom the district has become lawfully indebted, and in districts having a school population of more than thirty thousand, all warrants and orders drawn in his favor in accordance with the law, and to keep an account of the same. He shall take charge of all moneys received by him on account of the district, and pay out the same according to law. In school districts having a school population of more than thirty thousand, he shall pay out moneys in his hands upon lawful orders drawn and countersigned by the secretary and signed by the president. He shall render a statement of the finances of the district as shown by the records of his office at the close of each school year and at any other time when required by the board. For a failure to perform any of the duties of his office, when directed by the board, or for refusing or neglecting to deliver to his legally qualified successor all money, books, or other district property in his possession or care, within ten days after the same shall have been demanded by such successor, he shall be liable on his bond, and shall make good any loss resulting to the district from such failure or neglect.

Duties of
Treasurer

Financial
statement

Liability on
bond

Approved: April 10, 1917.

CHAPTER 122.

SCHOOL FUNDS

MANNER OF INVESTMENT

(Initiated by Petition under the Initiative and Referendum)

AN ACT

IN RELATION TO THE INVESTMENT OF THE PUBLIC
SCHOOL FUNDS.

Be It Enacted by the People of the State of Colorado:

Section 1. All school funds of the state, whether permanent or income, unless otherwise disposed of by law, shall be invested as directed by the state board of land commissioners—

How Invested

First—In interest-bearing warrants of the State of Colorado;

Second—In the bonds of the State of Colorado:

Third—By loans on unincumbered cultivated farm lands within the State of Colorado, and in manner hereinafter provided;

Fourth—In bonds of school districts within the State of Colorado;

Fifth—In bonds of the several counties, cities, town or city, and city and counties of the State of Colorado: *provided, however,* that before any moneys are so invested in bonds of counties, cities, town or city, and city and counties or school districts, the validity of such bonds shall first be determined by the attorney general of the state, and the state board of land commissioners must

Validity to be
determined

be satisfied that such bonds are in all respects legal and a safe investment; and it is *further provided, however*, that such bonds or warrants shall be purchased at a price not to exceed par value and the accrued interest thereon.

Section 2. Investment by loans on cultivated farm lands within the State of Colorado shall be made only to persons who are actual residents on such land, and then only on lands of which the appraised value is not less than \$5.00 per acre and in sums of not to exceed \$2,500.00 to any one person; such loans shall be made for at least one and not more than five years, and shall be evidenced by promissory notes bearing six per cent (6%) interest per annum, payable annually until due, with interest at the rate of eight per cent (8%) per annum after maturity on both principal and delinquent interest, said promissory notes to be secured by a deed of trust to the public trustee of the county wherein the land is situated, in favor of the State of Colorado, upon real estate as above described of an appraised value of at least three times the amount of the sum borrowed.

Loans on cultivated land

Term of loan

Applications for loans on cultivated farm lands shall be made direct to the state board of land commissioners upon blank forms to be provided for that purpose, and no loan shall ever be made unless the applicant has a good title in fee simple to the lands offered as security for the loan. Upon receipt of the application the state board of land commissioners shall, unless they disapprove the loan in the first instance, cause the land to be thoroughly examined and appraised, and if, in their judgment, the security is ample and the applicant in all respects comes within the terms of the provisions of this act, they may approve the loan; *provided, however*, that in the event that the loan is made on irrigated lands, such requirements shall be made by the board of land commissioners as shall secure to the state first lien upon all water and water rights for the irrigation of said lands.

Titles

Examination and appraisalment

Lien on water rights

When the application is approved by the state board of land commissioners, the register shall complete the contract by taking a promissory note payable to the State of Colorado and secured by a deed of trust upon the land in manner and form as above mentioned, and he shall forthwith transmit the deed of trust to the county clerk and recorder of the proper county for recording. As soon as the deed of trust is returned from the county clerk and recorder with the usual certificate of record, the register shall transmit the note and deed of trust and all other securities in question to the state treasurer, who shall thereupon pay to the applicant the amount of money named in said note. The state board of land commissioners shall in each case require from the applicant an abstract of title to the land, certified to include the deed of trust, which said abstract shall also be deposited with the state treasurer in connection with the note and deed of trust.

Deed of trust
recorded

State Treasurer
to pay

Failure to pay
taxes or
interest

Failure to pay any or all taxes when the same are due, or failure to pay the interest upon the said note in accordance with the terms of the note, shall render the principal due and payable, anything in the note or deed of trust to the contrary notwithstanding.

Renewals

When a loan has been made and the borrower desires to renew the same for one or not more than five years, it may be done in manner as the loan was made in the first instance, but no new abstract, except a continuation of the same down to the time of extension, nor examination of title prior to the original loan, nor new deed of trust need be required, unless the deed of trust is to be given upon other lands. The time of payment, without further security, may be extended in writing to be recorded as the original security was recorded, and before maturity of the claim, when the state board of land commissioners shall so order, but such extension of time shall not operate to release any security held, and lapse of time

shall in no case be a bar to any action to recover any part of the school or other permanent fund so loaned, nor shall it prevent the introduction of evidence in such action, any provision of the law to the contrary notwithstanding.

All payments of either principal or interest upon loans, or of any other character, shall be made to the register of the state board of land commissioners, who shall forthwith transmit the same to the treasurer with a certificate showing the amount and the purpose for which the payment is made, and the treasurer shall forthwith indorse upon the note in proper form the payment so made, and when the debt is fully paid, the treasurer shall cancel the note and deliver the note, abstract of title and deed of trust and all other securities to the register of the state board of land commissioners; the register of the said board shall execute and deliver a request for the release of such deed of trust and return the note, abstract and other securities to the debtor and report the same to the state board of land commissioners at its next meeting, which report shall be carried into the records of the board.

All payments
made to
Register

The register of the state board of land commissioners shall also keep in his office, in books to be provided for that purpose, accounts to be known as "Permanent Fund Accounts," in which a memorandum of all notes, mortgages, deeds of trust, bonds, money and assets of every kind and description which may come into his hands as such register and separate accounts of principal and interest must be kept.

"Permanent
Fund
Accounts"

When outstanding notes for money of any permanent fund loaned or interest thereon become due, the register of the state board of land commissioners shall, by mail, at once notify the debtor to make payment thereof within thirty days, if such debtor shall neglect to comply with such notice, the register of the state board of land commissioners shall report the same to the attorney general, who shall immediately bring action by foreclosure or such other procedure as may be necessary and appropriate

Notification to
make payment

to recover the same, and an injunction may issue without bond and a receiver be appointed for cause, when so prayed.

Foreclosure

Foreclosure of lands under deeds of trust given to the state in accordance with the foregoing provisions, shall be upon the same terms and conditions, except as herein otherwise provided, as are prescribed by law for the foreclosure of ordinary deeds of trust to the public trustee and the state board of land commissioners or any officer or representative of that board, or the attorney general or any representative of the attorney general, shall have the right to bid in, in behalf of the state, said lands at such foreclosure sale, and the same shall be subject to redemption in the same manner and under like conditions as are lands sold under deeds of trust in the ordinary course of business.

**Lands bid in
by state**

In the event that such lands shall be bid in in behalf of the state as aforementioned are not redeemed, deeds shall be executed by the public trustee to the State of Colorado and such land shall thereafter be under the control and direction of the state board of land commissioners, subject to all terms and conditions which now or hereafter may apply by law to public school lands; *provided, however,* that such lands shall not constitute a part of the public school land, but shall be treated and considered as in manner hereinafter mentioned.

**Board of Equal-
ization to make
levy to make
up deficit in
school funds**

As soon as the deed from the public trustee shall issue to the state, the same shall be placed on record in the proper county and the state board of land commissioners shall certify the facts to the state board of equalization, or such other officer, board or bureau as may hereafter have authority to make levies in behalf of the state, giving the amount due upon said loan to the school fund, except that interest for this purpose shall be charged solely at the rate of six per cent (6%) per annum upon the principal amount of said note, together with all taxes due on said land as hereinafter provided, and the state board of

equalization or such other officer, board or bureau as may hereafter have authority to make levies in behalf of the state, shall, at the next meeting where the levy of taxes for state purposes is made, include in said levy a tax upon all taxable property within the state, of sufficient amount to reimburse the school fund for the amount of said loan, principal, interest and costs, and such tax, when collected, shall be, by the state treasurer, credited to the state school fund.

All lands so sold under foreclosure and conveyed to the state by virtue of such foreclosure by the public trustee of the county where the land is situated, shall be carried upon a separate list properly designated by the state board of land commissioners and when the same are sold by the state board of land commissioners, all moneys received for the purchase of such land, shall be paid by the register of the state board of land commissioners to the treasurer of the State of Colorado, and credited to the general fund of said state, even though the amount of said purchase price is in excess of or less than the amount of the original loan, together with the interest thereon.

Sale of lands
foreclosed on

In the event that foreclosure becomes necessary, the state board of land commissioners or the attorney general shall have the right to withdraw from the custody of the treasurer of the State of Colorado all papers, including the note, deed of trust and abstract of title belonging to said loan, giving to the treasurer a receipt therefor.

Treasurer to
surrender
records

All expenses of appraisement and examination of the land, the examination of title, the recording of the deed of trust, and any other expenses necessary for making said loan, shall be paid by the applicant, and the state board of land commissioners may, from time to time, require of said applicant, such deposit as may be necessary to defray said expenses.

Expenses paid
by applicant

The state board of land commissioners, may at its discretion, require the applicant, when the loan is made, to

Insurance

carry appropriate insurance on the buildings on the premises covered by the deed of trust in favor of the State of Colorado, such insurance policy to be placed in the custody of the treasurer of the state with the note, abstract and deed of trust, and the failure of the applicant to pay premiums upon said policy of insurance when the same become due, shall be sufficient cause for declaring the principal of said loan due and payable.

Irrigation and
drainage dis-
trict liens
subordinate

In the event that any property upon which the State of Colorado holds a deed of trust or a loan made in the manner aforementioned, shall, after the execution of such deed of trust, be included in any irrigation district, drainage district or any other district wherein a levy is made for local public improvements, the lien thereby created shall be subject to and subordinate to the lien of the deed of trust in favor of the state, which shall be in no wise defeated by the lien of such irrigation district, drainage district or local public improvement.

Exempt from
taxation

Neither shall any such land be subject to taxes which accrue for any purpose after a public trustee's deed there-to shall have been executed in behalf of the State of Colorado as herein above provided for; *provided, however*, that in the event that there are taxes other than those arising out of or in connection with any irrigation district, drainage district, or local improvement district of any kind or nature, which it is necessary to pay in order to preserve the lien of the deed of trust in favor of the state, the state board of land commissioners shall certify that fact to the state treasurer, giving the amount of such taxes and the state treasurer shall remit such amount to the treasurer of the proper county, taking his receipt therefor. Such payment to be made from the school fund and charged as part of the loan against the debtor.

Exceptions

Applications
for loans
posted

Applications for loans upon improved farm lands shall, as soon as practicable after the same have been received by the state board of land commissioners, be posted in some conspicuous place open to public inspection in

the office of the state board of land commissioners, and such notice shall give the name of the applicant, the amount of money applied for, the description of the property offered as security and the time for which the loan is desired, and all such applications shall be considered by the board in the order in which they are received.

The state board of land commissioners shall make all rules and regulations necessary for the effectual performance of the terms of this act, not inconsistent therewith, and shall have the right at any reasonable time, to require from the state treasurer a statement of the total amount of money in the public school fund, the amount invested and the manner in which it is invested, together with the time for which it is invested, the rate of interest which it bears, and also the amount in said fund uninvested.

Land Board to
make rules and
regulations

Section 3. That sections 5198, 5199, 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207 and 5208 of the revised statutes of 1908 of the State of Colorado are hereby repealed, and all acts and parts of acts in conflict herewith are hereby repealed.

Acts repealed

Submitted to people at election held November 7, 1916.
Approved by 102,956 votes "Yes" to 66,058 votes "No."

CHAPTER 123.

SEEDSREGULATIONS FOR IMPORTATION AND SALE

(S. B. No. 56, by Senator Coldren)

AN ACT

TO REGULATE THE SALE, THE OFFERING OR EXPOSING FOR SALE, AND THE IMPORTING OF FIELD AND GARDEN SEEDS; TO PROVIDE FOR THE TESTING OF SUCH SEEDS; TO MAKE AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS OF THIS ACT; TO PROVIDE A PENALTY FOR ITS VIOLATION, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

"Field seeds"
defined

Section 1. The term "field seeds" as used in this Act shall be defined as the seeds used by farmers, and which includes the seeds of red clover, sweet clover, white clover, alsike clover, alfalfa, Kentucky blue-grass, Canada blue-grass, timothy, brome-grass, orchard-grass, red-top, meadow fescue, oat grass, rye grass and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat and other cereals, field peas, grain sorghums and forage sorghums.

Labeling of
containers

Section 2. Every lot of field seed, as defined in Section 1 of this act, except as herein otherwise provided, which is sold, or offered or exposed for sale within this state for seeding purposes in this state, either in bulk, packages, or other containers of five pounds or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such field seed, a plainly written or printed tag or label, in the English language, stating:

1. The commonly accepted name of such field seed. Statement on labels
2. The name and full address of the person selling, or offering for sale, such seed.
3. The approximate percentage, which shall be within two per cent., by weight of purity or freedom of such seed from foreign matter, or from other seeds distinguishable by their appearance.
4. The name and approximate number per pound of each kind of the seed or bulblets or seed balls for the following named noxious weeds:

Any variety of the wild mustards, any variety of the clover and alfalfa dodders, wild oat, any variety of the plantains, bind weed or wild morning glory, any variety of the poverty weeds, crab grass, cheat, Canada thistle, cockle, sow thistle, wild barley or squirrel tail grass, hop clover, which are present in excess of one seed in five grams, or ninety seeds per pound of such field seeds. Presence of noxious weed seeds noted

5. The percentage of germination, which shall be within ten per cent (10%) together with the date when such germination test was made, *provided* that seed sold or exposed for sale during the then seeding season from an emergency shipment shall be exempt from the requirements to label as to germination, when labeled "Emergency," and The Colorado Agricultural Experiment Station is notified of the date when such shipment was received and is furnished with a copy of the bill-of-lading. It being understood that the term "Emergency" shipment shall be defined as a shipment received during the seeding season for the purpose of replenishing stock. Percentage of germination

6. The state or foreign country where the seed was grown and, if in Colorado, the locality, or plainly marked "Unknown."

Section 3. The provisions of this act shall not apply to: Cases where this act does not apply

1. Any person selling agricultural seeds direct to seed merchants. This shall not, however, exempt the

grower of the seed from the provisions of the first and sixth subdivisions of Section 2 of this act.

2. Any person shipping field seed to a general market to be cleaned or graded before being offered or exposed for sale for seeding purposes.

3. Field seed which is held in storage for the purpose of being cleaned.

4. Field seed when plainly marked on the outside of the container "Not clean seed," or "Not tested seed," and held or sold for shipment outside of the state only.

5. Mixtures of field seed prepared for special purposes when so labeled. This shall not, however, exempt the vender of such seed from the provisions of subdivisions 2 to 6 of Section 2 of this act.

Imported seed
to be labeled as
to purity and
viability

Section 4. ' No seed in quantities of five pounds or more shall be shipped or brought into Colorado from outside of the state by any person to be used by himself for seeding purposes, unless such seed shall have been tested and the containers of such seed shall have affixed thereto, in a conspicuous place on the exterior of the container of such field seed, a plainly written tag or label, giving the information and test required in Section 2 of this act, and bear an official certificate of inspection for purity and viability issued by the state from which shipment is made, or by the Colorado Agricultural Experiment Station, or by United States officers or boards. In case such importer shall receive such seed, and it has not been tested or tagged or labeled as required by this act, the importer of such seed shall immediately notify the director of The Colorado Agricultural Experiment Station at Fort Collins and send the director of such station a fair and proper sample of the imported seed for inspection, and shall hold such seed until the test required by this act shall have been made.

Unlabeled seeds
must be tested

Section 5. It shall be unlawful for any transportation company to bring into the State of Colorado, except

as hereinafter provided, any field seed as defined in this act, for seeding purposes, unless such seed has been tested as to purity, which test shall be established by the official certificate issued by the state from which such shipment is made, or by the Colorado Agricultural Experiment Station or by the United States officers or board, and a duplicate of such certificate shall be attached to the bill-of-lading, and unless the containers of such seed are labeled or tagged, giving the information and test required in Section 2 of this act. Where such certificate has not been obtained, or where the containers of such shipment have not been labeled, or tagged, as required by Section 2 of this act, the transportation company may bring the seed into the State of Colorado, but shall notify the Colorado Agricultural Experiment Station and shall hold such seed for inspection, such inspection to be made at the expense of the owner of such seed.

Transportation companies not to bring untested or unlabeled seeds into state

Companies must notify Experiment Station of unlabeled shipments

Section 6. The Colorado Agricultural Experiment Station at Fort Collins shall inspect, examine and make analyses of and test seeds, sold, offered, or exposed for sale in the state, at such time and places and to such extent as it may deem necessary. The said the Colorado Agricultural Experiment Station may appoint such agents as may be deemed necessary to carry out the provisions of this act, and the said Colorado Agricultural Experiment Station, or its agents, shall have free access, at all reasonable hours, upon and into any premises or structures to make examination of any seeds whether such seeds are upon the premises of the owner of such seeds, or on other premises, or in the possession of any warehouse, elevator or railway company, and upon tendering payment therefor at the current price may take any sample or samples of such seeds.

Provisions for inspection

Section 7. Whoever sells, offers or exposes for sale, within this state any field seed defined in Section 1 of this act, without complying with the requirements of Section 2 of this act, or whoever shall prevent the representatives of the Colorado Agricultural Experiment Station from

Penalty

Prosecution—
how instituted

inspecting said seed and collecting samples, as provided in Section 6 of this act, or any transportation company or person who shall ship or bring field seed into this state, without complying with the requirements of Sections 4 and 5 of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100), *provided, however*, that no prosecution for the violation of this act shall be instituted except in the manner following: When the Colorado Agricultural Experiment Station believes, or has reason to believe, that any person has violated any of the provisions of this act, it shall cause notice of such fact, together with full specifications of the act or omission constituting the violation to be given to such person, who, either in person, or by agent, or attorney, shall have the right, under reasonable rules and regulations as may be prescribed by the said the Colorado Agricultural Experiment Station to appear before the Colorado Agricultural Experiment Station and introduce evidence. If, after said hearing, or without such hearing in case said person fails or refuses to appear, said Colorado Agricultural Experiment Station shall decide and decree that any or all of said specifications have been proven to its satisfaction, it may, in its discretion, so certify to the proper prosecuting attorney and request him to prosecute said person according to law for the violation of this act, transmitting with said certificate a copy of the specifications and such other evidence as it shall deem necessary and proper. Whereupon said prosecuting attorney shall prosecute such person according to law.

Hearings

Salaries

Section 8. The salaries of such agents as may be appointed to carry out the provisions of this act shall be fixed and paid by the Agricultural Experiment Station of the Colorado State Agricultural College, out of the funds appropriated in this act.

Test and
analysis of
submitted
samples

Section 9. Any citizen of this state, or person shipping seed into Colorado for seeding purposes in this state, shall have the privilege of submitting to the Colorado

Agricultural Experiment Station samples of field or garden seeds, for test and analysis, subject to such rules and regulations as may be adopted by said Agricultural Experiment Station.

Section 10. The said Colorado Agricultural Experiment Station shall make an annual report to the State Board of Agriculture, one copy of which shall be transmitted to the Governor of the state of Colorado, upon the work done under this act, which report shall show the results of inspections, examinations, analyses or tests made of field seeds, together with dates of said inspections, examinations, analyses, or tests, and may include names of persons, firms, or corporations having had seed under such inspection, examination, analysis or test. The said Colorado Agricultural Experiment Station shall, at its discretion, publish bulletins or press reports setting forth results of said inspections, examinations, analyses, or tests conducted under the provisions of this act, which bulletins or reports may include the names of the persons, firms or corporations having had seeds under inspection, examination, analysis or test. The Colorado Agricultural Experiment Station may, at its discretion, publish bulletins or press reports setting forth information on field seeds, which bulletins may be distributed free to the citizens of this state.

Annual report

Contents

Bulletins

Section 11. There is hereby appropriated from the state treasury, out of any moneys not otherwise appropriated, fifteen hundred dollars (\$1,500.00) for the equipment of a seed testing laboratory at the Colorado Agricultural Experiment Station. There is hereby permanently appropriated the sum of four thousand dollars (\$4,000.00) annually, beginning with the fiscal year 1917, to the State Board of Agriculture for carrying out the provisions of this act, and the Auditor of State is hereby authorized to draw warrants on the fund hereby appropriated on the order of the president of the board, countersigned by its secretary.

Appropriation
for seed testing
laboratoryContinuing
appropriation

Definitions

Section 12. The words "persons," "vendor," "party in interest," as used in this act shall be construed to import both the plural and singular as the case demands and shall include corporations, firms, societies and associations.

**Repealing
clause**

Section 13. All acts and parts of acts in conflict with this act are hereby repealed.

**Date of taking
effect**

Section 14. The labeling requirements under this act shall not take effect until October 1, 1917.

**Validity
of act**

Section 15. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved: April 10, 1917.

CHAPTER 124.

SMELTER INVESTIGATION**COMMITTEE, POWERS, DUTIES, FINDINGS**

(S. B. No. 64, by Senators Fincher and Candlish and Messrs. DuFraw, Jenkins, Kelley, Laube, Rodgers, McDonald, Owen, Steele, Nagel, Girard, Downing, Cross, Torbit, Ardourel, Shockey, Wright, Thompson, Furrow and Mayer)

AN ACT

TO PROVIDE FOR A COMMITTEE FOR THE PURPOSE OF INVESTIGATING AND REPORTING UPON ALL MATTERS CONNECTED WITH THE PURCHASE AND SALE AND MARKETING OF METALLIFEROUS ORES; TO AUTHORIZE SAID COMMITTEE TO SUBPOENA AS WITNESSES OFFICERS, MEMBERS OR EMPLOYES OF ANY COMPANY, CO-PARTNERSHIP, INDIVIDUAL OR CORPORATION ENGAGED IN THE BUYING, SELLING, TREATMENT, SMELTING AND REDUCTION OF ORES; TO PROVIDE FURTHER FOR THE ASCERTAINING, INVESTIGATION AND REPORTING UPON SCHEDULES, RATES, REDUCTION CHARGES, SMELTING CHARGES AND SETTLEMENTS FOR ORES; TO PROVIDE FOR THE PUBLICATION AND REPORTING OF THE FINDINGS OF SAID COMMITTEE AND MAKING AN APPROPRIATION THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appointed a Committee consisting of two Senators to be appointed by the President of the Senate and three Representatives appointed by the Speaker of the House of Representatives for the purposes and duties hereinafter set forth and provided wherever the word "committee" is used in this act it shall mean the Smelter and Ore Sales Investigation Committee.

Ore sales
Investigation
Committee
created

**Duties of
Committee**

Section 2. It shall be the duty of the Committee to fully investigate the buying, selling, exchange, refining, treatment, smelting and reduction of metalliferous ores or ore concentrates, the charges, rates, schedules and returns therefor; and shall cause to be filed with the Public Utilities Commission of this State, on or before the first day of January, 1918, its complete report and findings in writing, containing such recommendations as it shall deem appropriate in the premises.

**Publication of
report and
findings**

Section 3. The Committee shall cause one thousand copies of such report and findings to be printed in pamphlet form for free distribution, by the Public Utilities Commission of the State upon request, and shall, from time to time, furnish to representatives of the public press information concerning matters under its investigation.

Employees

The Committee is authorized and empowered to employ such assistants and clerical help as shall be necessary to carry out the purposes of this act. All departments of the State shall aid and assist such Committee in its investigation in every reasonable way, and the Committee shall have free and open access to the files and records of every county and state department.

Hearings

Section 4. The Committee is authorized and empowered to conduct hearings at any place designated by the Committee, upon ten days' notice first personally served upon the person, co-partnership, association or corporation, or any officers, member, agent, bailee, trustee or receiver thereof, directly involved therein, and such notice shall state the time and place of the hearing and a brief statement of the purpose thereof. The Committee shall have power to subpoena witnesses to appear and testify before it, administer oaths and compel the production of books, records, files, letters, other documents and all matters and things of proof or evidence for its inspection. The Committee or any member thereof, shall have power and authority to enter upon or into, examine any and

Subpoenas

all factories or plants, premises and offices used for or in connection with the smelting or reduction of metalliferous ores, and the books and accounts of all persons, associations or corporations engaged in the smelting or reduction of metalliferous ores in this State shall be open to the Committee or any member thereof for examination and inspection.

Section 5. Any person, or any co-partnership or member, officer, agent, bailee, trustee or receiver thereof, or any corporation, or member, officer, agent, bailee, trustee or receiver thereof, or any association or member, officer, agent, bailee, trustee or receiver thereof, who refuses to appear and testify before the Committee, pursuant to notice given as herein provided, or who appears before the Committee and refuses to testify or to produce books, records, files, letters, other documents or matters or things of proof or evidence in his, her or its possession, or under his, her or its control or direction, pursuant to notice given as herein provided, or who, having possession of any books, records, files, letters, other documents or things or matters of proof or evidence, bearing directly or indirectly upon the subject under investigation, at the time of service of subpoena, or notice as herein provided for, shall secrete, or destroy such books, records, files, letters, other documents or matters or things of proof or evidence, or transfer the same to the possession, direction or control of another, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not less than thirty (30) days nor more than six months. The Committee is authorized and empowered to bring an action or actions in the name of the People of the State of Colorado upon the relation of the Smelter and Ore Sales Investigation Committee of the State of Colorado, and prosecute the same to final judgment in the District Court of any county in the State, to compel the attendance of witnesses or punish offenses under the provisions of this act.

Penalty for failure or refusal to comply with orders of Committee

Procedure

Appropriation

Section 6. There is hereby appropriated out of any moneys in the State treasury, as an appropriation of the first class, the sum of fifteen thousand dollars (\$15,000) to carry out the purposes of this act, and the State Auditor is hereby authorized and directed to draw warrants upon the State Treasurer, upon vouchers approved by the Governor, in payment of salaries and expenses under the provisions of this act.

Safety clause

Section 7. It is hereby declared that this act is necessary for the immediate preservation of the public peace and safety.

Emergency clause

Section 8. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: March 24, 1917.

CHAPTER 125.

SOLDIERS' AND SAILORS' HOME
DISPOSITION OF UNCLAIMED PROPERTY

(S. B. No. 196, by Senator Schermerhorn)

AN ACT

TO PROVIDE FOR THE SALE OF UNCLAIMED PERSONAL PROPERTY, THE EFFECTS OF DECEASED MEMBERS OF THE COLORADO SOLDIERS' AND SAILORS' HOME.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The personal property and effects of deceased members of the Colorado Soldiers' and Sailors' Home shall be held by the Commandant of said Home, subject to the claim of the heirs of such deceased members; *Provided*, That after holding such unclaimed property and effects for the period of six months, said property and effects shall be sold, and the proceeds of such sale shall be held by said Commandant for the period of twelve months, and if still unclaimed by the legal heirs of the deceased member, the said proceeds of such sale shall be placed to the credit of the general fund of said home.

Sale of
unclaimed
property of
deceased
members

Section 2. All money of deceased members in the hands of the Commandant of the Home at the time of their death shall be held by said Commandant, subject to the claims of the legal heirs, and if such money is not claimed by the legal heirs within a period of twelve months, the same shall become the property of said Home.

Unclaimed
money to
revert to said
Home

Section 3. In the opinion of the General Assembly an emergency exists; therefore said act shall be in force and effect from and after its passage.

Emergency
clause

Approved: April 14, 1917.

CHAPTER 126.

SOLDIERS' AND SAILORS' HOME
MEMBERSHIP OF GOVERNING COMMISSION

(H. B. No. 414, by Mr. Steele and Senator Riddle)

AN ACT

TO AMEND SECTION 6034 OF CHAPTER 126 OF THE
REVISED STATUTES OF COLORADO FOR 1908 CON-
CERNING SOLDIERS' AND SAILORS' HOME.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 6034 of Chapter 126 of the Revised Statutes of Colorado for 1908, being Section One of the amendatory act pertaining to the Soldiers' and Sailors' Home approved April 5, 1899, be and the same is hereby amended to read as follows:

Membership of
Commission

Section 6034. The government of the Soldiers' and Sailors' Home shall be vested in a commission of four persons, citizens of the state, one of whom may be a woman, to be appointed by the Governor, with the consent of the Senate. The Commander of the Grand Army of the Republic of Colorado and Wyoming, when a citizen of this state and a resident therein, shall be ex-officio a member of such Board of Commissioners, and the Governor, by the Secretary of State, shall issue his commission as such upon receipt of a certificate of election as such Department Commander. The members of said commission, with the exception of the woman member hereinabove provided for, shall be honorably discharged soldiers, sailors or marines, and they shall have sole care, control and direction of the affairs of the Soldiers' and Sailors' Home, and be accountable directly to the Governor.

Approved: March 30, 1917.

CHAPTER 127

STATE AGRICULTURAL COLLEGE
ADDITIONAL MILL LEVY FOR MAINTENANCE

(H. B. No. 156, by Messrs. Banks, Cawfield and Somerville)

AN ACT**LEVYING A TAX FOR THE SUPPORT AND MAINTENANCE
OF THE STATE AGRICULTURAL COLLEGE.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In addition to the levy now authorized by law, there shall be levied annually, beginning with the year 1917, upon all taxable property of the State of Colorado for the use of the State Agricultural College four (4) hundredths of one mill, on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner, and at the same time as is now, or may hereafter be prescribed by law for the assessment and collection of state taxes. Mill levy

Section 2. The entire fund derived from such levy each year is hereby appropriated for the support and maintenance of the State Agricultural College. Purpose

Section 3. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety. Safety clause

Approved: March 24, 1917.

CHAPTER 128

STATE AGRICULTURAL COLLEGE
ADDITIONAL MILL LEVY FOR EXPERIMENT STATION

(H. B. No. 159, by Messrs. Banks, Cawfield and Somerville)

AN ACT

TO LEVY ADDITIONAL TAX FOR THE SUPPORT AND MAINTENANCE OF THE EXPERIMENT STATION AT THE STATE AGRICULTURAL COLLEGE.

Be It Enacted by the General Assembly of the State of Colorado:

Mill levy

Section 1. In addition to the levy now authorized by law, there shall be levied annually, beginning with the year 1917, upon all taxable property of the State of Colorado, for the use and support of the experiment station at the State Agricultural College, two (2) hundredths of one mill, on each and every dollar of the assessed valuation of said taxable property to be assessed and collected in the same manner, and at the same time as is now, or may hereafter be prescribed by law for the assessment and collection of state taxes.

Purposes

Section 2. The entire fund derived from such levy each year is hereby appropriated and shall be available to the State Board of Agriculture for research and investigation in agriculture, mechanic and household arts and problems relative thereto, for the publication of bulletins.

Safety clause

Section 3. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Approved: March 24, 1917.

CHAPTER 129.

STATE BOARD OF PHARMACY
POWERS—SALARIES—EXAMINATIONS

(S. B. No. 221, by Senator Coltman)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF PHARMACY; DEFINING DRUG STORE OR PHARMACY; PROVIDING FOR REGISTRATION HEREUNDER; AMENDING SECTIONS 4899, 4902 AND 4903 OF THE REVISED STATUTES OF COLORADO OF 1908, AND ADDING THERETO SECTION 4906-a.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 4899 of the Revised Statutes of Colorado of 1908 be amended to read as follows: Act amended

Section 4899. **SALARIES—COMPENSATION—REPORTS—BOND.** The salaries of the respective members of said board shall be five dollars for each day of actual service, and all legitimate expenses incurred in the discharge of official duties. The board may employ such assistance as it may deem proper to investigate violations of this act, enforce the provisions hereof, and to cause prosecutions for violations hereof, and to fix the compensation therefor, and pay the same out of funds in the hands of the board. The Secretary of said board shall receive an additional salary to be fixed by the board and not to exceed five hundred dollars per annum. He shall pay to the treasurer at each meeting, or whenever the board may direct, such funds of the board as may be in his possession, and take the treasurer's receipt there- Compensation

Secretary's salary

Report of
receipts and
disbursements

for. *Provided*, that no part of the salaries and expenses of the board shall be paid out of the State Treasury. In its annual reports to the Governor and the Colorado Pharmacal Association the board shall render an account of all moneys received or disbursed pursuant to this act. The secretary and treasurer shall each give such bond as said board shall from time to time direct.

Section 2. That Section 4902 of the Revised Statutes of Colorado of 1908 be amended to read as follows:

Examination
fee

Certificates

Section 4902. EXAMINATION FEE—WHEN ENTITLED TO CERTIFICATE—PERMITS. Every person seeking registration under this act whose registration is not otherwise provided for shall make application in the manner and form prescribed by the board and deposit with the secretary of the board a fee of ten dollars, and present himself or herself at the time and place directed by the board, and after passing a satisfactory examination he or she shall be granted an appropriate certificate setting forth his or her particular qualifications; *Provided*, that in case of failure of the applicant to pass a satisfactory examination he or she shall be entitled to a second examination without charge at the next succeeding meeting of the board; *Provided*, also that a person presenting a certificate of registration from a similar board of another State of the United States, having requirements for registration equivalent to those of Colorado, may be granted a certificate without examination, upon payment of a fee of fifteen dollars.

Approved: April 14, 1917.

CHAPTER 130.

STATE EDUCATIONAL INSTITUTIONS
ADDITIONAL MILL LEVY FOR MAINTENANCE

(H. B. No. 137, by Mr. Best)

AN ACT

**LEVYING A TAX FOR THE CONSTRUCTION, EQUIPMENT
AND FURNISHING OF BUILDINGS FOR THE INSTI-
TUTIONS OF HIGHER EDUCATION OF COLORADO.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In addition to the levy now authorized or which shall be authorized by law there shall be levied annually, beginning with the year 1917 and continuing for ten consecutive years, upon all taxable property in the State of Colorado, three tenths of one mill on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes. MILL levy

Section 2. The entire fund derived from such levy in each year is hereby appropriated for the construction, equipping and furnishing of buildings in the state institutions of higher education in the following proportions:

University of Colorado, eight twentieths

Agricultural College, six twentieths

State Teachers' College, four twentieths

State Normal School at Gunnison, one twentieth

How appor-
tioned

The remaining one twentieth of said fund shall be expended for needed buildings at the Colorado School

of Mines, Fort Lewis, or such other state institutions of higher education as a board, consisting of the Governor of the State, the Lieutenant Governor of the State, the Attorney General, the Auditor of State, the State Treasurer, and the State Superintendent of Public Instruction, may direct.

How expended

Section 3. All moneys collected pursuant to this act shall be expended under the direction of the governing boards of the several institutions in the same way as the funds derived from taxation for the support and maintenance of the institutions named in Section 2.

Safety clause

Section 4. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Approved: March 24, 1917.

CHAPTER 131.

STATE ENTOMOLOGIST

POWERS AND DUTIES

(S. B. No. 197, by Senator Schermerhorn)

AN ACT

TO AMEND SECTIONS 1, 4, 5, 6, 8, 10 AND 13 OF CHAPTER 191 OF THE SESSION LAWS OF 1907, AMENDED BY CHAPTER 47 OF THE SESSION LAWS OF 1909—"AN ACT TO PREVENT THE INTRODUCTION, IMPORTATION OR SPREAD OF INJURIOUS INSECTS AND PLANT DISEASES IN COLORADO; TO PROVIDE FOR THEIR EXTERMINATION WHEN FOUND IN THE STATE, TO REQUIRE THE INSPECTION OF NURSERIES, NURSERY STOCK AND ORCHARDS; TO CREATE THE OFFICE OF STATE ENTOMOLOGIST; TO MAKE AN APPROPRIATION FOR CARRYING OUT THIS ACT; TO REGULATE THE SALE OF INSECTICIDES, AND TO REPEAL CHAPTER FIFTY-FIVE (55) OF THE SESSION LAWS OF 1897", AND PROVIDING A QUARANTINE FOR NURSERY STOCK, POTATOES, AND OTHER OBJECTS INFESTED WITH INSECT PESTS OR PLANT DISEASES.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 1 of Chapter 191 of the Session Laws of 1907, as amended by Chapter 47 of the Session Laws of 1909 be, and the same is hereby amended to read as follows:

Act amended

Section 1. For the purpose of this Act, the Entomologist of the Colorado State Agricultural College is hereby declared to be State Entomologist, whose duty shall be, directly or through his deputies or Horticultural Inspectors, to carry out the provisions of this Act.

State
Entomologist
designated

Compensation

The compensation of the State Entomologist shall be Five Hundred Dollars per annum in addition to his salary as Entomologist of the Agricultural College; his deputies and Horticultural Inspectors shall receive not more than Six Dollars per day, and assistant horticultural inspectors Four and 50-100 Dollars a day in addition to their actual and reasonable expenses for time spent in carrying out the provisions of this Act, except, that the Chief Deputy, if employed by the year, may draw a regular salary of not to exceed \$2,400.00 a year.

Compensation of deputies**Section amended**

Section 2. That Section 4 of said Act be, and the same, hereby, is amended to read as follows:

Duties

Section 4. It shall be the duty of the State Entomologist, directly, or through his deputies or horticultural inspectors, to inspect all the nurseries, orchards and shade trees of the State each year, and when it seems necessary, to inspect potatoes, and other farm or garden crops or other articles whatsoever, for the purpose of determining whether or not any of them are infested with injurious insects or fungus or other plant diseases that are likely to be disseminated to the injury of others, and to carry out such experiments as he may deem important to determine the best methods of control for the pests and diseases with which he has to deal.

When a nursery, farm or other premises that has been inspected seems to be free from insect pests and plant diseases, the Entomologist shall, upon request, issue to the owner, renter or occupant, a certificate stating these facts. But, if any nursery stock, orchard or shade trees, potatoes, or other farm or garden crops or any objects whatsoever, be found to be infested with any serious insect pest or fungus or other plant disease that is likely to be disseminated to the injury of others, the owner or renter or person in charge of the infested or diseased property or premises must disinfect or destroy the same under the direction and to the satisfaction of the State Entomologist.

or his deputy or horticultural inspector in charge, and at the owner's expense, unless the State Entomologist or inspector in charge sees fit to remove, disinfect or destroy the infested or diseased articles himself.

Section 3. That Section 5 of said Act be, and the same is hereby amended to read as follows: Section amended

Section 5. Every owner or renter or person in charge of a nursery in Colorado shall erect and maintain upon the premises, or in connection therewith, a suitable structure for the fumigation of nursery stock, buds and scions with hydrocyanic acid gas, and all stock, before leaving the nursery, must be fumigated with this gas, or otherwise treated, in accordance with printed or written instructions furnished by the State Entomologist or horticultural inspector in charge. Fumigation by nurserymen

Every package, box, or bundle of nursery stock, buds, scions, or cuttings, that are sold or otherwise disposed of in Colorado by a nursery or a dealer in nursery stock, either within or outside the State must bear a certificate signed by the owner or dealer certifying that the nursery stock, scions, cuttings, or buds, have been fumigated or otherwise disinfected in accordance with the laws of the State of Colorado. If nursery stock, scions, buds, or cuttings are brought into the State by private parties or a common carrier without a satisfactory certificate of disinfection, they must be fumigated with hydrocyanic acid gas or otherwise thoroughly disinfected by the horticultural inspector of the county where received before being delivered to the purchaser, and at the expense of the owner or party receiving the same; *however*, when in this Act it is directed that nursery stock, cuttings, buds, scions, potatoes or any articles or premises as enumerated in this Act shall be fumigated or disinfected, the owner of the infested property may, if he so requests, do the work of disinfection himself, under the direction and supervision of the State Entomologist, or horticultural inspector in Fumigation certificate
Disinfection of imported nursery stock
Owner may disinfect under supervision

Certificate
void if stock
infected

Prohibited
importations

Notice to
proper
authorities

Inspection
stations

Cost of disin-
fection—how
paid

charge, and to their satisfaction, and no fee or charge shall be made for such direction and supervision. A certificate of inspection or fumigation upon nursery stock, potatoes, or other articles, however, shall not deter the State Entomologist or a horticultural inspector from examining or seizing and disinfecting the same if found to be infested by living injurious insects or contagious diseases in any stage of development. No person or persons, either as owner, agent, servant, employee or common carrier, shall bring or cause to be brought into any county of the State of Colorado having a county horticultural inspector, from any district, county, state or foreign country, any trees, vines, shrubs, scions, cuttings or grafts or any other materials or objects that the State Entomologists may from time to time name as being liable to disseminate insect pests or plant diseases, without notice of their arrival at their destination at once to the horticultural inspector of the county; and such articles shall not be delivered to the consignee, planted, sold or in any way distributed until permission to do so has been given by the horticultural inspector of the county, who may detain such stock or articles only as long as it is necessary for proper inspection or disinfection.

Under the provisions of the Postal Laws and Regulations providing for the terminal inspection of parcel post shipments of plants and plant products, the State Entomologist may establish certain points within the State for the inspection of such plants and plant products as he may rule are likely to disseminate insect pests or plant diseases.

The State Entomologist, or his deputy, or a county horticultural inspector, when the same is necessary and has been authorized by the Board of County Commissioners of the county, after notice to the owner or person in charge of same, shall spray, fumigate, disinfect or otherwise treat trees, shrubbery, potatoes, plants, buildings or other like property. Upon the completion of such work

a statement of the cost and expense thereof with a description of the property upon which such work was done shall be filed with the Board of County Commissioners, who shall pay same without delay.

Section 4. That Section 6 of said Act be, and the same is, hereby amended to read as follows: Section amended

Section 6. Whenever the State Entomologist, his deputy, or a horticultural inspector has reason to believe, or has been credibly informed, that at any place within the State there exist or have been introduced or offered for sale plants, trees, shrubs, cuttings, buds, fruit, potatoes, or any other objects infested by injurious insects or plant diseases that are liable to be spread to the injury of others, it shall be his duty to make an investigation of the suspected articles and premises, and if they are found so infested, the State Entomologist, his deputy or the horticultural inspector of the county shall notify the owner or possessor, in writing, of the nature of the infestation, specifying the insects or diseases that have been found, and demanding that within a reasonable specified time, the infested goods, articles, potatoes or premises shall be disinfected. The owner of the infested property may choose whether he will have the infested property disinfected or burned, provided the case is not of such a nature that the State Entomologist or Horticultural Inspector deems it necessary that the infested property be destroyed by fire; and in such cases the State Entomologist shall, directly or through his deputy or a horticultural inspector, seize the infested property and burn it. If disinfection be decided upon, and the possessor of the infested property refuses to disinfect the same, in accordance with the instructions of the officer in charge, the State Entomologist or horticultural inspector shall take possession of the infested property and disinfect it, *at the expense of the owner*, said expense to be collected as provided for in Section Five (5) of this Act.

Duty to investigate suspected articles and premises

Notification of owner

Choice of disinfection or burning

Seizure of Infested property

**Penalty for
violation**

Each and every violation of any of the provisions of this Act, and each and every non-compliance with any notice or direction given by the Horticultural Inspector in charge under the provisions of this Act, shall be punishable by a fine in the sum of not less than Five Dollars, nor more than Five Hundred Dollars, and each and every day that any person, firm or corporation shall fail to comply with any notice in writing received from the State Entomologist, or Horticultural Inspector in charge under the provisions of this Act, shall be deemed a separate offense.

**Section
amended**

Section 5. That Section 8 of this Act be, and the same is, hereby amended to read as follows:

**Inspectors'
report**

Section 8. Horticultural Inspectors shall make a full report to the State Entomologist, at least once each month, of the work done during this period. The State Entomologist shall file an annual report with the Secretary of the State Board of Agriculture, which may be published from the office of the State Entomologist, and which shall contain a summary of the work done during the year and an itemized account of moneys received and expended in carrying out the provisions of this Act, together with such additional information in regard to the work as may seem to him important.

Annual report**Quarantine
of districts**

Whenever the State Entomologist, his deputy or the Horticultural Inspector in charge, in their investigations shall find a section, or any portion, of the State to be infested with a serious insect pest or plant disease, and, in their judgment, the shipment of potatoes or other farm seeds, products, or other articles from that district or section would be liable to spread the insect or disease into other sections, they, or any of them, may declare a quarantine against such section to prevent the shipment of potatoes or other farm seeds, products, or other articles from the quarantine section; also whenever it is ascertained that infested potatoes or other farm seeds, products

or other articles are being imported, or likely to be imported from another state or states, the State Entomologist may declare a quarantine against the importation of such infested potatoes or other farm seeds, products, or other articles, from such state or states.

Quarantine
against an-
other state

Section 6. That Section 10 of said Act be, and the same is, hereby amended to read as follows:

Section
amended

Section 10. It shall be deemed a violation of this Act for any one to sell in Colorado, insecticide poisons such as Paris green, London purple, white arsenic arsenate of lime, arsenate of lead, acetate of lead, arsenate of zinc, cyanide of potassium, hellebore, pyrethrum powder, or any other materials or preparations sold or offered for sale, for the control of insect pests or plant diseases, that are diluted or mixed with other substances, unless the kind and amount of the adulterations or mixtures are conspicuously printed in the English language upon each and every package sold. Upon all packages of arsenate of lead or arsenite of zinc sold in paste form, the percentage of water, by weight, must be guaranteed.

Insecticide
poisons

Adulteration

The State Entomologist may inspect, examine and make analyses of insecticide, fungicide or other materials held or offered for sale within the State for the purpose of determining their purity, their strength and their value for the destruction of insects or plant diseases in any stage of their development. He shall have free access during all reasonable business hours upon or into any premises or structures to make examinations of insecticides or fungicide materials and upon tendering payment therefor at the current value, may take any sample or samples for examination, analyses, or tests, the results of which may be published for the information of the public.

Analysis of In-
secticides, etc.

Samples

Section 7. That all other acts or parts of acts, in so far as they are in conflict with this act, are hereby repealed.

Repealing
clause

**Emergency
clause**

Section 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Safety clause

Section 9. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public health and safety.

Approved: April 10, 1917.

CHAPTER 132.

STATE FAIR AT PUEBLO
MILL LEVY FOR MAINTENANCE

(H. B. No. 275, by Messrs. Studzinski, Cawlfeld, Mishou and Foster
and Senators Peterson and Dunlap)

AN ACT

TO ESTABLISH AND MAINTAIN A STATE FAIR AT PUEBLO,
COLORADO, AND MAKE A TAX LEVY THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. A State Fair is hereby established and shall be held at Pueblo, Colorado, annually hereafter for the display of live stock and of industrial, horticultural and agricultural products of the State of Colorado. There is hereby created The Colorado State Fair Commission of three members, which shall have full control and management of said state fair. They shall serve without pay except traveling and actual expenses. The members of said commission shall be appointed by the Governor, on this act taking effect; one for two, one for four and one for six years; and as each appointment expires, the Governor shall appoint members of said commission for terms of six years. Vacancies shall be filled for the unexpired term. No two members of said commission shall be appointed from or reside in the same congressional district, and one shall be a resident of Pueblo County.

State Fair
established

Fair
Commission

Vacancies

Section 2. There shall be levied annually, beginning with the year 1917, for the maintenance of said state fair

**Mill levy for
maintenance**

at Pueblo, one-hundredth of one mill on each and every dollar of the assessed valuation of all taxable property in the State of Colorado, to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes, to be designated as the State Fair Tax; and the entire fund derived from such levy each year is hereby appropriated for the payment of cash premiums for live stock, industrial, horticultural and agricultural exhibits and expenses of judges and superintendents of such exhibits at said fair and the traveling and actual expenses of the members of said commission. To meet the payment of said premiums and expenses for the state fair to be held in 1917, there is hereby appropriated ten thousand dollars out of any unappropriated money in the State Treasury.

Warrants

Section 3. The Auditor of State is hereby authorized to draw and the State Treasurer to pay warrants upon all the funds hereby appropriated on the order of the Colorado State Fair Commission, signed by its president and countersigned by its secretary.

Approved: April 16, 1917.

CHAPTER 133.

STATE FISH HATCHERY
AT TRAPPERS LAKE, RIO BLANCO COUNTY

(S. B. No. 86, by Senator Napier)

AN ACT

TO AUTHORIZE THE STATE GAME AND FISH COMMISSIONER TO SELECT AND PURCHASE A SUITABLE SITE FOR A STATE FISH HATCHERY, AND TO IMPROVE THE SAME WITH NECESSARY BUILDINGS, ETC., AND TO PAY FOR THE MATERIAL AND EQUIPMENT NECESSARY TO INSTALL SUCH HATCHERY, AT TRAPPERS LAKE, RIO BLANCO COUNTY, COLORADO.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the State Game and Fish Commissioner be and he hereby is authorized to select and purchase a suitable site upon which to construct the buildings necessary for a state hatchery, at Trappers Lake, in Rio Blanco County, to be known as the Trappers Lake Hatchery, and to construct the buildings, make such improvements, and install such equipment as in the opinion of said State Game and Fish Commissioner may be deemed necessary for a state hatchery.

Commissioner
authorized to
purchase site

Section 2. That there be and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of One Thousand Five Hundred Dollars (\$1,500) to be used for said purpose.

Appropriations

Section 3. That the construction of the buildings and improvement of the grounds of said hatchery, and

Commissioner
to direct
construction

the installation of the equipment therefor, shall be under the immediate direction of the State Game and Fish Commissioner.

Section 4. That the State Auditor is hereby authorized to draw warrants against said appropriations for said purchase and improvements, upon vouchers, properly certified and presented by the State Game and Fish Commissioner.

Approved: April 14, 1917.

CHAPTER 134

STATE LAND BOARD

DUTIES—POWERS—FEES—SALES—LEASES

(S. B. No. 389, by Senator Fincher)

AN ACT

AN ACT RELATING TO THE STATE BOARD OF LAND COMMISSIONERS, AND TO PROVIDE FOR THE SELECTION, LOCATION, APPROVAL, SALE, AND VALIDATING SALES HERETOFORE MADE, LEASING AND MANAGEMENT OF STATE AND SCHOOL LANDS; CREATING CERTAIN OFFICERS OF THE STATE BOARD OF LAND COMMISSIONERS AND DEFINING THEIR DUTIES; PROVIDING FOR THE EXCHANGE OF LANDS WITH THE UNITED STATES; PROVIDING FOR THE VENUE OF SUITS BROUGHT IN RELATION TO SCHOOL LANDS; PROVIDING FOR AND AUTHORIZING THE EQUITY IN STATE OR SCHOOL LANDS TO BE TAXED, TOGETHER WITH THE IMPROVEMENTS; PROVIDING FOR THE LOCATION AND MINERAL CLAIMS UPON STATE OR SCHOOL LANDS AND SECURING OF TITLE THERETO, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH, AND ALSO THE ACT OF THE GENERAL ASSEMBLY SESSION LAWS OF 1905, PAGES 319 TO 343 INCLUSIVE, SAME BEING CHAPTER 134.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The State Board of Land Commissioners shall cause a complete record of their proceedings to be kept in a suitable book, and shall preserve all important papers and documents pertaining to the State lands.

Record of
proceedings

Section 2. The State Board of Land Commissioners is authorized and empowered to employ all office force. It shall be the duty of the register to keep the records of the State Board of Land Commissioners; to

Employees

Duties of
Register

make out and countersign all patents and leases issued by said Board to purchasers and lessees of State lands, and keep a suitable record of same; to file and preserve bonds of lessees and those given by purchasers to secure deferred payments; to make and deliver to purchasers a suitable certificate of purchase; to have the custody of the seal of the State Board of Land Commissioners; to keep the minutes of the said Board; to receive all moneys from the deputy register collected by such officer on account of the State Board of Land Commissioners and to pay them over to the State Treasurer, as prescribed by law, and in the absence of the deputy register to receipt for and receive all moneys payable to the State Board of Land Commissioners, and to perform such other duties concerning the land affairs of the State as the said Board may direct. It shall also be the duty of the register in any and all contested cases, at the direction of the Board, when hearings are necessary and witnesses may be required to be examined, to set a date for hearing such cases. The register shall duly advise the contestants and their accredited attorneys of the date set for such hearings, and on the date appointed the register is hereby empowered to administer oaths and to hear and receive evidence after the manner and procedure established by the United States in the district land offices, or in accordance with the rules that are or may be adopted by the Board governing such cases. All evidence given and provided in such cases before the register shall be fully transcribed and arranged at the cost of the parties to the contest, and shall form a part of the records of the office of the State Board of Land Commissioners. The register shall, as soon as convenient after such hearings, present a full transcript of the proceedings to the State Board of Land Commissioners, who shall render a decision in accordance therewith. The board shall be provided with a suitable office and office furniture by the State Board of Capitol Managers. On or before the 31st

Hearings

Evidence
transcribed
and placed
on record

day of December immediately preceding the meeting of the General Assembly, it shall make a report of the business of said board, the transactions of the State Board of Land Commissioners, and the land affairs of the State, showing, by tables, the land belonging to the several funds of the State, to whom sold, the amount leased, the receipts from all sources, and said reports shall contain any such other items or information concerning State lands as the State Board of Land Commissioners may deem worthy of publication; *provided*, said report does not exceed the number of pages permitted by law. Of this report there shall be published the same number as is now, or may hereafter be, required by law for the executive departments of the State. Before assuming the duties of his office each member of the State Board of Land Commissioners shall give a surety bond, the expense of which shall be paid by the State from the Land Commissioners' cash fund, in the sum of thirty thousand dollars (\$30,000), conditional upon the faithful discharge of his duties, and said bonds shall be approved by the Governor and State Treasurer and filed with the Secretary of State.

Biennial
report

Bonds

Section 3. The State Board of Land Commissioners shall be allowed the sum of one thousand eight hundred dollars (\$1,800.00) annually for the employment of a deputy register. It shall be the duty of the deputy register to receipt and account for all moneys payable to the State Board of Land Commissioners, and said deputy register shall pay same over to the register daily. The deputy register shall give a good and sufficient surety bond, the cost of which shall be paid by the State, to be approved by the State Board of Land Commissioners, for the faithful performance of the duties pertaining to that position, in the amount of thirty thousand dollars (\$30,000). The deputy register shall perform such other duties as may be prescribed by the State Board of Land Commissioners.

Deputy
RegisterSalary and
duties

Bond

Governor to
execute deed

Section 4. The Governor of the State shall be and is hereby authorized, and, in case of his absence or inability, the Lieutenant Governor shall be, and is hereby authorized to execute a good and sufficient deed or patent of conveyance, transferring any and all lands which shall, or may be ordered sold, or which shall be sold and disposed of by the State Board of Land Commissioners under the statutes of this State. Such deed or patent shall be attested by the Secretary of State, countersigned by the register, and have the great seal of the State and the seal of the State Board of Land Commissioners thereto attached, but need not be acknowledged. The certified copy of the record of any such deed or patent shall be receivable in evidence in all courts of record in this State, the same as the original.

Board to
select and
locate lands
granted to
state

Section 5. It shall be the duty of the State Board of Land Commissioners to select and locate all lands which are now, or may be hereafter, granted to this State by the general government, for any purpose whatever, and the board shall take the necessary steps to secure the approval of such selections by the proper officers of the general government. In making such selections, the board may employ such agents and means as may be necessary to acquaint the board with the character of the lands selected; and the board may provide to have the lands belonging to the State classified and appraised.

Land
Appraisers

Section 6. There shall be appointed by the State Board of Land Commissioners such appraisers of state lands as are necessary, who shall be under the direction of the State Board of Land Commissioners, and who shall be paid fifteen hundred dollars (\$1,500.00) each per annum for such services. There shall also be appropriated the sum of one thousand dollars (\$1,000.00) per annum for the purpose of defraying the expenses of said appraisers when visiting the different portions of the State in the discharge of their duties.

Salary

Section 7. The State Board of Land Commissioners **Fees** is hereby authorized and empowered to collect the fees herein fixed for the issuance of leases, patents, certificates of purchase, right of way deeds, recording assignments, making township plats, filing bonds, and for the filing of all documents necessary to be filed in said office, to-wit: Filing application to lease for each 160 acres or fraction thereof, \$.50—Filing application to purchase for each 160 acres or fraction thereof, \$.50—Accepting and approving bond, \$1.00—Issuing lease, each 160 acres or fraction thereof, \$1.00—For each additional 160 acres or fraction thereof in the same lease, \$.50—For issuing patent or certificates of purchase, each 160 acres or fraction thereof, \$2.00—Assignment fee, \$1.00—Patent for town lot, one or more, \$2.00—Right of way deeds, easements, etc., \$.50—For issuing permission to make improvements in excess of amount allowed by the terms of the lease, \$2.00. Certified copies of any instrument or of the records shall be furnished at the rate of 20 cents per folio and \$1.00 for the certification. Each application for lease must be accompanied by the advertising fee of five dollars, in addition to the filing fee. All applications for purchase must be accompanied by an appraisement fee of ten dollars in addition to the filing fee. If the board orders a sale to be made, the applicant shall be required to pay an advertising fee of seventeen dollars. All township plats shall be furnished at fifty cents each. For subdividing mineral lands into lots of ten acres each for the purpose of leasing, upon the application of any person, a deposit of ten dollars for each lot shall be required. All moneys collected by the State Register and deputy in pursuance of any action or resolution of the board, shall be paid into the State Treasury, as provided by law. All aforesaid fees shall be paid in advance to the deputy register and be transmitted and accounted for by said deputy to the register of the board, as in the case of other funds, and the said register shall

**Disposition
of fees**

turn the same into the State Treasury, as in the case of money collected for rent and partial payments on certificates of purchase. And it shall be the duty of the State Treasurer to receive said funds and credit the same to the Land Commissioners' cash fund, to be paid out by him on warrants drawn by the Auditor of State. It shall be the duty of said Auditor to draw warrants against said fund in payment of such vouchers as may be audited and allowed by the State Board of Land Commissioners and certified to by the President and Register of the State Board of Land Commissioners.

Leases

Section 8. The State Board of Land Commissioners may lease any portion of the land of the State at a rental to be determined by it, except as hereinafter provided. The lessee shall pay the annual rental to the State Board of Land Commissioners, who shall receipt for the same in the lease. Upon receiving such annual rental, the State Board shall transmit the same to the State Treasurer, as provided by law, and take his receipt therefor. If stone, coal, oil, gas, or other mineral not herein mentioned, be found upon the State land, such land may be leased for the purpose of obtaining therefrom the stone, coal, oil, gas or other mineral, for such length of time, and conditioned upon the payment to the State Board of such royalty upon the product as the State Board of Land Commissioners may determine.

Rent paid in advance

Section 9. All leases of State or school land shall be conditioned upon the payment of rent in advance and the violation of this condition shall work a forfeiture of the lease, at the option of the State Board of Land Commissioners, after thirty days' notice to the lessees, such notice being sent to the last known postoffice address of lessee, as given by himself to the register of the State Board of Land Commissioners.

Terms of leases

Section 10. No lease of State or School land for grazing purposes shall be for a longer term than twenty years and no lease of State or school land for agricultural

purposes shall be for a longer period than ten years, except as hereinafter provided. When any lease expires by limitation, the holder thereof may renew the same in manner as follows: At any time within ninety days next **Renewal of lease** preceding the expiration of the lease, the lessee, or his assigns, shall notify the register of his desire to renew said lease; if the lessee and State Board agree as to the valuation of the land, a new lease may be issued, bearing even date with the expiration of the old one, and upon like conditions; *provided, always*, that the former valuation shall not be decreased without the consent of the State Board of Land Commissioners; *provided*, that nothing in this section shall prohibit the State Board of Land Commissioners from leasing any of the State land to such party or parties as shall secure to the State the greatest annual revenue; *provided, further*, that the State Board may, in its discretion, offer said land for sale at **Leased land may be sold** any time during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed; or, it may, in its discretion, withdraw such land from sale during the full term of the lease.

Section 11. Should any one apply to lease any of the lands belonging to the State upon which there are improvements belonging to another party, before a lease shall issue, he shall file in the office of the State Board of Land Commissioners a receipt, showing that the price of said improvements, as agreed upon by the parties, or fixed by the State Board, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of said improvements so agreed upon or fixed by the board; *provided*, if by any mistake or error, any money has been, or shall hereafter be, paid on account of any sale or lease of State lands, it shall be the duty of the Board to draw a voucher in favor of the party paying said money; and on presentation of such voucher the Auditor shall draw his warrant upon the State Treasurer for the amount, and the **Lessee must purchase improvements** **Refund of money**

Cancellation
for fraud

State Treasurer shall pay the same out of the fund into which such money was deposited or placed. If, through any fraud, deceit or misrepresentation, any party or parties shall procure the issuing of any lease for State lands, the board shall have the authority to cancel any such lease.

Lands in city
limits

Section 12. Lands within city boundaries may be leased for a term not exceeding fifty years. All such leased lands shall be re-appraised and classified at least every five years, and the lessee of all such lands shall pay any increased rental or forfeit the land so held. When any lease expires by limitation the holder thereof may renew the same in manner as follows: At any time within the ninety days next preceding the expiration of the lease, the lessee, or his assigns, shall notify the register of his desire to renew said lease. If the lessee and the State Board of Land Commissioners agree as to the valuation of the land, a new lease may be issued, bearing even date with the expiration of the old one, and upon like conditions; *provided, always*, that the former valuation shall not be decreased without the consent of the State Board of Land Commissioners; *provided*, that nothing in this section shall prohibit the State Board of Land Commissioners from leasing any of the State lands to such party or parties as shall secure to the State the greatest annual revenue; *provided, further*, that the State Board of Land Commissioners may, in its discretion, offer said land for sale at the end of any period of five years, upon the application of the lessee, during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed.

How leased
land may be
sold

Trespass on
state land

Section 13. All corporations, companies or persons using or occupying any State or school lands without lease, and all corporations, companies or persons who shall use or occupy State or school lands for more than thirty days after the cancellation or expiration of a lease, and any corporation, company or person who shall con-

struct a reservoir, ditch, railroad, public highway, telegraph or telephone line, or in any manner occupy or enter upon lands belonging to the State of Colorado, without first having secured the authority and permission of the State Board of Land Commissioners to so occupy said land for such purpose, shall be regarded as trespassers, and, upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), and each day shall be considered a separate offense, and in each case, where a bond has been furnished to the State Board of Land Commissioners, the bondsmen of the lessee shall be equally liable with himself, and in addition to the foregoing penalty the State shall be allowed to collect as rental for the use of such lands a sum equal to the appraised value thereof for rental purposes, as fixed by the State Board of Land Commissioners, and which value shall not be less than five cents per acre per annum. All suits under the provisions of this act shall be instituted under the direction of the Attorney General in the name of the People of the State of Colorado.

Penalty

Bondsmen
liableAttorney
General to
institute suits

Section 14. All lands granted by Congress to the State for the support of common schools, being sections sixteen and thirty-six, and all that may be selected in lieu of said sections, are hereby withdrawn from market, and the sale thereof prohibited; *provided*, parcels of not less than the least legal subdivision may be sold when the State Board is of the opinion that the best interests of the school fund will be served by offering such parcel for sale; *provided, further*, that such land shall only be sold at public auction, and at not less than three and one-half dollars per acre; *provided*, that school lands shall not be offered for sale, except upon the conditions hereinafter provided for the sale of other State lands.

Lands with-
drawn from
market

Exceptions

Section 15. The State Board of Land Commissioners may cause any portion of the State or school lands to be laid out in lots and blocks, to be sold from time to

Lands to be
sold in lots
and blocks
only

time, at public auction, to actual settlers only, or to persons who shall improve the same, in such quantities and at such times as shall enable the State to realize the best prices for such land, and such land shall not be sold except in lots or blocks, as herein provided.

Sale of lands
to U. S.
Government

Section 16. Any State lands needed by the United States for irrigation works, other than right of way for roads, bridges, canals, ditches, tunnels, pipe lines, telephone and transmission lines, shall be sold to the United States at a price not less than three dollars and fifty cents (\$3.50) per acre and without advertising or offering same at public auction, and the State Board of Land Commissioners shall direct the Governor, Secretary of State and register to execute and sign, as provided in this act, on behalf of the State, a proper deed or other instrument of writing for such lands.

State lands in
irrigation
districts

Section 17. The State Board of Land Commissioners may at any time direct the sale of any State lands, except as provided in this act, in such parcels, to actual settlers only, or to persons who shall improve the same, as they shall deem for the best interests of the State and the promotion of the settlement thereof; *provided*, that no lands belonging to the State, within the areas to be irrigated from works constructed or controlled by the United States or its duly authorized agents, shall hereafter be sold except in conformity with the classification of farm units by the United States. After the withdrawal of lands by the United States for any irrigation project, no application for the purchase of State lands within the limits of such withdrawal shall be accepted, except upon the conditions prescribed in this section. All sales under this act, except those to the United States, shall be advertised in four consecutive issues of some weekly paper of the county in which such land is situated, if there be such paper; if not, then in some paper published in an adjoining county, and in such other papers as the board may direct. The advertisement shall state the time, place and

Advertisement

terms of sale, and the minimum price per acre fixed by the Board of each parcel, below which no bid shall be received; *provided*, that in all cases the land shall be offered in legal subdivisions and of not more than one hundred and sixty (160) acres; *provided*, that sales of State lands shall be made to citizens of the United States, and to those who have declared their intention to become such only. If any land be sold on which surface improvements shall have been made by a lessee, said improvements shall be appraised under the direction of the State Board. When lands on which such improvements have been made are sold, the purchasers, if other than the owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, taking a receipt therefor, and he shall deposit such receipt with the State Board of Land Commissioners before he shall be entitled to a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of the State Board of Land Commissioners.

Legal Subdivisions

Sale to U. S. citizens only

Appraisal of improvements

Section 18. All sales of State lands shall be held at the State Capitol, unless otherwise directed by the State Board of Land Commissioners. Terms of payment shall be as follows, viz: Timber sales, cash on the day of sale; on lands, 10 per cent. of the purchase money on the day of the sale, the balance in eighteen equal annual payments, at 6 per cent. per annum. The State Board of Land Commissioners may, in its discretion, reserve in the advertisement of sale of any state or school land, rights of way for irrigation and drainage ditches, canals, reservoirs and other structures and for any roads or highways, and it may and is hereby authorized to reserve to the State of Colorado all rights to any and all minerals, ores and metals of any kind and character and all coal, asphaltum, oil, gas or other like substances in or under said land the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient work-

Sales, where held

Terms of payment

Reservation of rights of way, mineral rights, etc.

Patents with
reservations
validated

Owners to
reconvey
mineral rights

Board to issue
certificate of
purchase

When patent
issues

Delinquent
payments

ing of such minerals and substances. All patents and certificates of purchase on state or school lands heretofore issued and in which a reservation of rights to minerals, ores and metals of any kind or character whatsoever or coal, asphaltum, oil, gas and other like substances has been made, are hereby validated; *provided*, that the holders of such certificates of purchase or the owners of said lands so patented shall by contract, deed or other agreement acknowledge or reconvey to the State the minerals and substances so reserved, and the State Board of Land Commissioners is hereby authorized to accept on behalf of the State such deeds and conveyances and to make such agreements as may be necessary to carry out the provisions of this act. When the conditions hereinbefore prescribed have been complied with, the State Board of Land Commissioners shall make and deliver to the purchaser a certificate of purchase, containing the name of the purchaser, a description of the land purchased, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due, and the amount thereof; such certificate shall be signed by the President and countersigned by the register of the Board, and a record of the same kept by him in a suitable book. Whenever a purchaser of any State land has complied with all the conditions of the sale, and paid all purchase money with the lawful interest thereon, he shall receive a patent for the land purchased; such patent shall be signed by the Governor, attested by the Secretary of State, and countersigned by the register, and have the great seal of the State and the seal of the State Board of Land Commissioners thereto attached; and when so signed, such patent shall convey a good and sufficient title; *provided*, that no patent shall be issued for less than the legal subdivision, as shown by the United States official survey, except for town lots.

Section 19. Whenever any purchaser of land shall default for a period of thirty days in any of the pay-

ments of either principal or interest due upon the certificates of purchase issued by him, said certificate may be forfeited and the lands reverted to the State of Colorado upon a notice to that effect mailed to the last known postoffice address of said purchaser, and which notice shall allow him thirty days additional in which to pay the indebtedness to the State.

Section 20. If any purchaser of State land, after receiving a certificate of purchase, as provided in Section 19 of this act, fails to make any one of the payments stipulated therein, and the same remains unpaid for thirty days after the time when it should have been paid, as specified in such certificate, the State Board of Land Commissioners may sell the lands again; *provided*, that in case of a sale, all previous payments made on account of such land shall be forfeited to the State: the land shall revert to the State and the title thereof shall be in the State, as if no sale had ever been made.

Forfeiture for
failure to make
payments

Section 21. All moneys due and payable to the State Board of Land Commissioners shall be paid at the office of the State Board of Land Commissioners in the State Capitol in the City and County of Denver, Colorado, and all actions for the recovery of same, or for the cancellation of certificates of purchase, or for the cancellation of leases, or for the recovery of the possession of the land, actions of forcible entry and detainer, or ejectment, shall be brought in any court of competent jurisdiction in the City and County of Denver, in the State of Colorado.

Payments,
where made

Suits, where
brought

Section 22. When, in the judgment of the State Board of Land Commissioners, a bond by the purchaser of State lands is necessary, the Board shall require such purchaser to give a bond upon such conditions as the Board may determine. In leasing State lands, the Board shall require of the lessee such a bond as shall secure the State against loss of rents or other loss or waste, or occupation of the land for more than thirty days after the

Bond may be
required

Timber cutting
restricted

cancellation or expiration of the lease of said lessee, unless the said lessee becomes the purchaser of the land, and in no case shall the lessee be allowed to cut or use more timber than shall be necessary for the improvement of the land or for fuel for the use of the family of the lessee, and the cutting and hauling of timber to saw mills, to be sawed on shares, is expressly prohibited.

Lost
certificates

Section 23. Whenever a certificate of purchase shall be lost or wrongfully withheld by any person from the owner thereof, the State Board of Land Commissioners may receive evidence of such loss or wrongful detention and upon satisfactory proof of the fact, may cause a certificate of purchase or patent, as the case may be, to issue to such person as shall appear to them to be the proprietor of the land described in the original certificate of purchase.

Determination
of claims

Section 24. The State Board of Land Commissioners may hear and determine the claims of all persons who may claim to be entitled in whole or in part, to any lands owned by this State and the decisions of said Board shall be held to be final, until set aside by a court of competent jurisdiction; and the Board shall also have power to establish such rules and regulations as in their opinion may be proper, to prevent fraudulent applications.

Taxation of
lands sold

Section 25. All lands sold under the provisions of this act, or any interest therein, shall be subject to taxation, and the register of the State Board of Land Commissioners shall furnish to the County Assessor of each county on the first day of May of each year a list of the equities owned or acquired in all lands so sold, to whom sold, the price per acre and the amount paid. Each county shall pay the expense incurred in compiling such list.

Rebate of
taxes

Section 26. In case any lands sold under the provisions of this act are reverted to the State of Colorado for any cause whatsoever the register of the State Board of Land Commissioners shall at once notify the County

Treasurer of the county in which the land is situated, and upon receipt of such notice it shall be the duty of the County Treasurer to at once rebate all taxes that have been charged against the lands so reverted.

Section 27. The funds arising from the sale of public school, University and Agricultural College lands, shall be held intact for the benefit of the funds for which such lands were granted and shall be known as permanent funds, and the interest and rentals only shall be expended for the purposes of the grant. The funds arising from the sale, leasing and income of all other State lands shall be disposed of as shall be provided by law, but, in the absence of any other provisions, may be invested in the same manner as the school fund.

Permanent
funds

Disposition of
other funds

Section 28. All moneys arising from the leasing of Agricultural College, University or public school lands which are now, or may hereafter be, received by the State Treasurer, shall be treated in all respects in the same manner as is provided by law for the disposition of the interest on the proceeds arising from the sale of the same class of lands.

How state
Treasurer
shall treat
funds

Section 29. The State Board of Land Commissioners may grant the right of way across or upon any portion of State land, upon such terms as the Board shall determine, for any ditch, reservoir, railroad, public highway, telegraph or telephone or pipe line, and may grant land for the purpose of building district school houses, and may execute and sign as provided by this act, on behalf of the State, a proper deed or other instrument of writing, for such right of way or grant; *provided*, that this section shall not be construed to grant authority to convey any such land, except for the purposes above set forth; and, *provided further*, that whenever lands granted for any of the purposes mentioned in this section shall cease to be used for such purposes, said lands shall revert to the State of Colorado, upon notice to that effect being served

Rights of way
across state
lands

Unused grants
to revert to
state

at their last known postoffice address upon the person to whom such grant was made.

Sale for purpose of furnishing irrigation for state lands

Section 30. For the purpose of furnishing irrigation for State lands, the State Board of Land Commissioners is hereby authorized, when, in their judgment, the interest of the State may be subserved thereby, to sell at public sale, at such place as the Board may fix, at not less than the appraised value thereof, which in no case shall be less than the minimum price of three dollars and fifty cents (\$3.50) per acre, any tract of arid land belonging to the State; *provided*, that not more than one-half section of land shall be sold, and in alternate quarter sections to any responsible person or persons, on condition that said person or persons construct an irrigating ditch in such locality, and of sufficient capacity to furnish water for the entire tract, and so located that said tract may be irrigated therefrom; *provided*, that before any of the State lands shall be offered for sale, the party desiring to purchase said lands and construct a ditch shall enter into a contract with the Board guaranteeing to bid at least the minimum price per acre, and to complete such ditch within given time, which time shall be fixed by the Board in the contract. The contract shall further provide that the party constructing such ditch shall furnish water for the remaining one-half of the State lands at such reasonable rates as the Board and the parties holding such ditch or canal may agree upon. Such contract shall be drawn by the Attorney General, and signed by the President and register of the Board, and by the party desiring to construct such ditch; and *provided, further*, that if any person, other than the person making application for the purchase of said lands shall be the highest bidder at the public sale thereof, such bidder shall, within such reasonable time as the Board may fix, enter into a contract and bond, as required by the provisions of this act, for the construction of said ditch, and for the furnishing of water therefrom; and in the event of his failure to furnish

Purchaser to execute contract

Highest bidder to execute contract and bond

a satisfactory bond and enter into the said contract within the time fixed, then such bid shall be disregarded and such public sale shall be void and of no effect. The Board shall make the sale upon like conditions as other State lands are sold, and shall require a good and sufficient bond from the party desiring to construct such ditch, conditioned for the faithful performance of the contract and the conditions of the sale. And in no case shall the title of any of said lands pass from the State until the ditch shall have been completed and accepted by the Board.

Title not to
pass until
completion
of project

Section 31. The State Board of Land Commissioners are hereby authorized and directed to establish under the jurisdiction of the Register of the State Board of Land Commissioners a mineral department, which shall be under the direct supervision of the head of the Department of Mining in the Colorado School of Mines, who shall also be State Mining Engineer of Colorado. The State Board of Land Commissioners, with the advice of the State Mining Engineer, shall appoint as Assistant State Mining Engineer a man of thorough training and recognized ability in the art and technology of mining engineering. It shall be the duty of the State Mining Engineer to inspect in person, or through his assistant, all mines and other works operated under leases from the State of Colorado for the production of precious metals, coal, iron, oil, or other mineral products upon which rentals are due to the State on a basis or royalty upon the production therefrom, as often from time to time as he shall deem it necessary for the purpose of estimating and checking royalties therefrom, and keep such maps of the workings of all mines as will give the Land Department full information concerning same. Lessees of all lands, including coal lands, shall be required to furnish the State Mining Engineer with copies of blueprints of all maps of underground surveys of leased land made or authorized by such lessee, including engineer's field notes certified to by the engineer who made such survey. He shall

Mineral
Department

State Mining
Engineer

Duties

Lessees to
co-operate
with Engineer

supervise all mining and require the same to be done in accordance with the best methods of mining. He shall also check the royalties reported as due under such lease for the preceding month and compare the same with the surveys and other inspections made by him and shall report on or before the 20th day of each month the result of such examinations and checking to the State Board of Land Commissioners. Every mine and other works upon a public domain of the State of Colorado held under lease therefrom by any person, association, copartnership, or corporation shall be at all times subject to the inspection of the State Mining Engineer. He shall inspect and examine all lands held under lease from the State of Colorado providing for the payment of royalties from the production therefrom and report to the State Board of Land Commissioners the condition of said lands, the amount of work and development done thereon by such lessees, and make such recommendations of and thereto as he may deem advisable. The salary of the State Mining Engineer shall be \$500. per annum as remuneration for the proper performance of the executive work of the mineral department. He shall also be entitled to \$10 per diem for work other than that pertaining to the executive functions of his office. The salary of the Assistant State Mining Engineer shall not exceed \$2,000 per annum. A further sum of \$1,000 annually shall be allowed the State Mining Engineer for the employment of an assistant, other than the Assistant State Mining Engineer, when needed for survey, to be paid only upon voucher approved by the State Board of Land Commissioners, countersigned by the Register. The State Mining Engineer and his assistants shall be reimbursed all necessary traveling and other expenses incurred while in the actual service of the mineral department of the State Board of Land Commissioners.

Salary

Salary of
Assistant
Mining
Engineer

Additional
assistant

Mining
royalties

Section 32. Any person, association, copartnership or corporation leasing and operating coal lands under the

provisions of this act shall pay to the deputy register of the State Board of Land Commissioners a minimum price of not less than ten (10) cents for each and every ton of coal mined from said lands, to be paid monthly, on or before the 25th day of each month for the coal mined during the preceding calendar month. Should the person, association, co-partnership or corporation so leasing coal land fail to mine during any one year the minimum amount that may be provided for in the terms of the lease, then the amount so paid shall be applied and deemed as an advance payment of royalty upon coal actually mined in any subsequent year in excess of the minimum provided for in said lease. The term ton, as herein used, means twenty-seven (27) cubic feet of coal, measured in the solid, and shall be ascertained by the measurements of the space from which the coal is mined, deducting therefrom all space occupied by slate or other impurities. Such measurements shall be made monthly by the superintendent of the mineral department, according to the provisions of this act; *provided, however*, that when possible and when the State Board of Land Commissioners shall so order, the coal tonnage may be determined by the coal miners' pay roll check numbers or railroad shipments, and such miners' check numbers and coal tonnage determined by weight at the mine tipple, shall be clearly set forth and enumerated in the required monthly sworn royalty statements.

Ton defined

Tonnage
determined

Section 33. Locations of mineral claims not exceeding three hundred feet wide and fifteen hundred feet long each, or of three ten-acre subdivisions or mineral lots, may be made upon unleased mineral lands belonging to the State of Colorado, as hereinafter provided. The discoverer of a body of mineral, in either a lead, lode, ledge, deposit, vein or contact, shall immediately post conspicuously a notice declaring that he has made such discovery on the date attached to said notice. The locator shall be allowed ninety days from such date in which to perform

Mineral
locationsAssessment
work

Location
certificate

assessment work by shaft or tunnel, which assessment work shall not be at a less cost than one hundred dollars in each year, and to survey and set the corner posts of said claim, and to file a certificate of location with the register of the State Board of Land Commissioners, which certificate shall be recorded in said office, and an entry made upon the plat and tract books of such location; such procedure shall empower the locator to retain possession of and operate said claim for a period of one year, at the end of which time he shall be required to take a lease upon such terms as may be agreed upon by the State Board of Land Commissioners.

Lease required

Exchange of
lands with
U. S. Govern-
ment

Section 34. The State Board of Land Commissioners is hereby authorized and empowered to exchange any lands, the income from which is devoted to the public schools of the State of Colorado, the State University, the State Agricultural College, Penitentiary, internal improvements, saline or any other lands which may be under the control of said State Board of Land Commissioners, and which may have been granted to said State of Colorado by the Congress of the United States, for such unappropriated federal lands in the State of Colorado as the State Board of Land Commissioners may select; and the register of said land board is hereby empowered to sign all papers necessary to such transfer, under the direction of said board.

Acts repealed

Section 35. All acts and parts of acts in conflict with the provisions of this act and the act of the General Assembly Laws of 1905 pages 319 to 343 inclusive are hereby repealed.

Emergency
clause

Section 36. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: April 19, 1917.

CHAPTER 135

STATE LANDS**SELECTION, LOCATION AND CLASSIFICATION**

(S. B. No. 5, by Senator Fincher)

AN ACT

TO PROVIDE FOR THE IMMEDIATE SELECTION AND LOCATION OF ALL LANDS TO WHICH THE STATE IS ENTITLED UNDER THE SEVERAL GRANTS OF LAND FROM CONGRESS; TO PROVIDE FOR THE CLASSIFICATION AND APPRAISAL OF ALL SUCH LANDS AND OF ALL LANDS OWNED BY THE STATE; TO PROVIDE REGULATIONS THEREFOR AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be the duty of the State Board of Land Commissioners immediately upon the taking effect of this act, to provide for the judicious selection and location of all lands to which the state is now, or may be hereafter entitled under the several grants of land, especially indemnity land which may be selected in lieu of school lands previously surrendered to the Federal Government, heretofore made by Congress to the state and at the same time, to provide for the classification and appraisal of all such lands, and of all lands owned by the state, in such manner and under such regulations as are hereinafter provided.

Selection and
location of new
land deeded
State by U. S.
Government

Sec. 2. The State Board of Land Commissioners may employ such competent appraisers of land not to exceed six (6) in number as may be necessary to aid said board

Employment
of appraisers

in making selection and location of all lands to which the state is entitled under the several grants of land from Congress and to acquaint it with the character and value of all such lands owned by the state. Each of said appraisers shall be paid a salary of fifteen hundred dollars (\$1,500) per annum.

Duties of
appraisers

Sec. 3. Said appraisers shall make stated written reports of their work to the State Board of Land Commissioners and such special reports as may be required from time to time. Such reports shall be made upon suitable uniform blanks to be provided by said board for such purpose, wherein shall be set forth the legal description, general character and adaptability and estimated value of each of the several pieces, parcels or tracts of land embraced in any such report, together with such other useful information as may be required by said board.

Board to pass
resolution when
selection is
decided

Sec. 4. The State Board of Land Commissioners from time to time shall make selection and location of the lands to which the state is entitled under the several grants of land from Congress by causing to be spread upon its minutes a proper resolution, or resolutions, particularly designating all such pieces, parcels or tracts of land so selected and located and thereupon from time to time said board shall promptly take all necessary and proper steps to effectually secure the approval thereof by the proper officers of the general government.

General
appraisal

Sec. 5. Immediately after the selection of said indemnity land is completed the State Board of Land Commissioners shall begin a general appraisal of all lands owned now or hereafter by the state. The board shall provide proper books for such purpose wherein shall be set forth the legal description, general character and adaptability and appraised valuation of each of the several pieces, parcels or tracts of lands so classified and appraised, together with such other useful information as the board shall deem necessary. The board also from

time to time shall provide proper plats showing all such lands so classified and appraised.

Sec. 6. The State Board of Land Commissioners shall have the power from time to time to reclassify and re-appraise any lands owned by the state and shall make the same record thereof as provided by this act for the original classification and appraisal of such lands and shall make the necessary notations or changes on its existing records.

Reclassification
and reappraise-
ment

Sec. 7. All books and plats required by this act to be provided and kept by the State Board of Land Commissioners shall be a part of the public records of said board and shall be open to inspection.

Sec. 8. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after the date of its passage.

Emergency
clause

Approved: March 2, 1917.

CHAPTER 136.

**STATE NORMAL SCHOOL AT GREELEY
ADDITIONAL MILL LEVY FOR MAINTENANCE**

(H. B. No. 150, by Messrs. Houtchens, Meyer and Furrow)

AN ACT

**LEVYING A TAX FOR THE SUPPORT AND MAINTENANCE
OF THE STATE NORMAL SCHOOL AT GREELEY, ALSO
KNOWN AS THE STATE TEACHERS' COLLEGE OF
COLORADO.**

Be It Enacted by the General Assembly of the State of Colorado:

Mill levy

Section 1. In addition to the levy now authorized by law there shall be levied annually, beginning with the year 1917, upon all taxable property, in the State of Colorado, for the use of the State Normal School at Greeley, also known as the State Teachers' College of Colorado, four hundredths of one mill on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes.

Purpose

Section 2. The entire fund derived from such levy each year is hereby appropriated for the support and maintenance of the said State Normal School.

Safety clause

Section 3. It is hereby declared that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: March 24, 1917.

CHAPTER 137

STATE NORMAL SCHOOL AT GUNNISON

ADDITIONAL MILL LEVY FOR MAINTENANCE

(H. B. No. 139. by Messrs. Thompson, Canon and Barlow)

AN ACT

TO INCREASE THE TAX LEVY FOR THE SUPPORT AND MAINTENANCE AND FOR THE CONSTRUCTION OF BUILDINGS OF THE COLORADO STATE NORMAL SCHOOL AT GUNNISON, COLORADO.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In addition to the levy now authorized by law there shall be levied annually, beginning with the year 1917, upon all taxable property of the State of Colorado, for the use of the Colorado State Normal School at Gunnison, two-hundredths (.02) of a mill on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner and at the same time as is now or may hereafter be prescribed by law for the assessment and collection of state taxes.

Mill levy

Section 2. The entire fund derived from such levy each year is hereby appropriated for the support and maintenance of the Colorado State Normal School, at Gunnison, Colorado.

Purpose

Section 3. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Approved: March 24, 1917.

CHAPTER 138.

STOCK INSPECTION
APPOINTMENT OF INSPECTORS

(S. B. No. 101, by Senator McWilliams)

AN ACT

TO AMEND SECTION 4 OF AN ACT IN THE SESSION LAWS OF COLORADO, 1915, PAGE 449, CHAPTER 157, APPROVED APRIL 12, 1915, RELATING TO STOCK INSPECTION.

Be It Enacted by the General Assembly of the State of Colorado:

Act amended

Section 1. That Section 4 of an Act in the Session Laws of Colorado, 1915, Page 449, Chapter 157, entitled as follows: **AN ACT TO AMEND SECTIONS 6388, 6389, 6393 and 6394 OF THE REVISED STATUTES OF COLORADO 1908, REGARDING LIVE STOCK INSPECTION**, be amended to read as follows:

Sec. 4. That Section 6394 of the Revised Statutes of the State of Colorado, 1908, be and the same is hereby amended to read as follows:

Brand and
sanitary
inspectors

Section 6394. The State Board of Stock Inspection Commissioners shall be authorized to appoint one chief brand inspector and such regular and special brand and sanitary inspectors as said board shall deem expedient and necessary for the proper protection of the live stock interests of the state. Said inspectors shall be under the control and direction of said board and subject to its rules and regulations, and they shall serve during the pleasure of said board. As compensation for their services the chief inspector shall receive not to exceed one hundred and fifty

dollars (\$150.00) per month and the regular inspectors not to exceed one hundred and twenty-five dollars (\$125.00) per month, and the Auditor of State shall draw his warrants therefor upon vouchers approved by the president and secretary of said board, and the State Treasurer shall pay the same out of the Stock Inspection Fund, or the Brand Inspection Fund as designated by voucher. Said board shall have power to allow such additional compensation to cover necessary expense incurred by inspectors in performance of their duties as the board may consider necessary, which expense shall be paid by the board out of the Brand Inspection Fund of said board. Said board shall be authorized to employ such special brand and sanitary inspectors as may be necessary and said special inspectors shall be paid such remuneration for their special services as may be determined by said board, and the Auditor of State shall draw his warrant therefor upon vouchers approved by the president and secretary of said board and the State Treasurer shall pay the same out of the Brand Inspection Fund of said board.

Salaries of
inspectors

Expenses

Special
inspectors

Section 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Repealing
clause

Approved: April 6, 1917.

CHAPTER 139.

SUPPLIES

METHOD OF PURCHASE FOR STATE

(H. B. No. 100, by Mr. Meyer)

AN ACT

RELATING TO THE PURCHASE OF SUPPLIES BY THE
SECRETARY OF STATE.*Be It Enacted by the General Assembly of the State of Colorado:*Advertisement
for bids for
supplies

Section 1. The Secretary of State is hereby authorized to advertise for five (5) consecutive days in one morning and one evening daily newspaper published at the State Capital for bids to provide the necessary stationery and typewriter supplies required by the legislative and executive departments of the state and the supreme court for the two years succeeding the first day of January, 1917.

Sealed bids

Section 2. The bids shall be delivered to the office of the Secretary of State, endorsed "Proposals for Stationery" or "Proposals for Supplies", or both, as the case may be, and shall remain sealed until the hour specified in the advertisement for opening the same, and no bid shall be received after said hour.

Contract
how let

Section 3. At the hour specified for opening said bids, the Secretary of State, in the presence of the Attorney General and the State Treasurer, and, in the absence of either of them, in the presence of the Governor, and in the presence of such bidders as may choose to attend, shall open the several bids and proceed to determine who is the

lowest responsible bidder for such class of supplies, and the contract or contracts therefor shall be given to such lowest responsible bidder, subject to the approval of the Governor and the State Treasurer. *Provided*, that the Secretary of State may reject any and all bids if he shall deem it for the best interests of the State to do so.

Section 4. The maximum price to be paid for any article purchased under such contract or contracts shall not exceed the current wholesale price for such articles in the City of Denver on the day of opening the bids for same. Maximum price

Section 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage. Emergency clause

Approved: February 7, 1917.

CHAPTER 140.

SUPREME COURT
SALARIES OF EMPLOYES

(H. B. No. 118, by Messrs. Crowley and Anderson)

AN ACT**MAKING A CONTINUING APPROPRIATION FOR THE EMPLOYES OF THE SUPREME COURT OF THE STATE OF COLORADO.***Be It Enacted by the General Assembly of the State of Colorado:***Officers and
employees**

Section 1. The Supreme Court of the State of Colorado is hereby authorized to appoint one clerk, two deputy clerks, two bailiffs, and one librarian of the Supreme Court Library, whose salaries shall be paid, in the same manner as other state officers are paid, monthly out of the general fund of the State of Colorado, as follows: Clerk, an annual salary of four thousand dollars (\$4,000); first deputy clerk, an annual salary of three thousand five hundred dollars (\$3,500); second deputy clerk, an annual salary of two thousand five hundred dollars (\$2,500); two bailiffs, an annual salary of fifteen hundred dollars (\$1,500) each; one librarian of the Supreme Court Library, an annual salary of fifteen hundred dollars (\$1,500).

Salaries**Repealing
clause**

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

**Emergency
clause**

Section 3. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: April 10, 1917.

CHAPTER 141.

TAXES

EVIDENCE OF PAYMENT

(S. B. No. 179, by Senator Starkweather)

AN ACT

PRESCRIBING WHAT SHALL BE EVIDENCE OF THE PAYMENT OF TAXES.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That every treasurer collecting public taxes, either general or special, shall keep in his office, as part of the records thereof, in a well bound book or books, a copy of every receipt for taxes issued by him, inserting the same in the order of the date of issuance; and the original tax receipt, or such book or books, or a copy of any such receipt found therein, certified by the treasurer or his deputy, or a copy of the entry of any payment set down in the cash-book of such treasurer, certified by the treasurer or his deputy, then incumbent, shall be received in all courts and places as prima facie evidence of the payment therein set down.

Treasurer's records or certification considered prima facie evidence of tax payment

Section 2. Where the treasurer of any county has heretofore kept in his office copies, or a record, of any tax receipts issued by him, such record, or a copy therefrom of any tax receipt found therein, such copy being certified by the treasurer, or deputy, shall in like manner be prima facie evidence of the payment therein set down.

Approved: April 16, 1917.

CHAPTER 142.

TOWNS AND CITIES**ADDITIONAL POWERS OF APPROPRIATION**

(H. B. No. 324, by Messrs. Wilson and Barlow)

AN ACT

IN RELATION TO MUNICIPAL CORPORATIONS AND GRANTING CITY COUNCILS AND BOARDS OF TRUSTEES OF TOWNS, OR SUCH CORRESPONDING OFFICERS ADDITIONAL POWERS.

Be It Enacted by the General Assembly of the State of Colorado:

Additional
powers

Section 1. That the city council of cities and the board of trustees of towns, or such corresponding officers, shall have the following additional powers, to-wit:

Appropriate
money for
public
entertainment

First. To appropriate money in an amount not exceeding 6-10 of 1 mill on the assessed valuation for the purpose of giving public concerts and entertainments by such cities and towns.

Appropriate
money for
advertising

Second. To appropriate money for the purpose of advertising the business, social and educational advantages, the natural resources and the scenic attractions of such cities and towns.

Repealing
clause

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Emergency
clause

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 10, 1917.

CHAPTER 143.

TOWNS AND CITIES
CONTRACTING OF BONDED INDEBTEDNESS

(H. B. No. 127, by Mr. Banks)

AN ACT

TO ENABLE THE SEVERAL TOWNS AND CITIES OF THE
 STATE OF COLORADO TO CONTRACT AN INDEBTED-
 NESS AND TO ISSUE BONDS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The city council and board of trustees in towns shall have the power to contract an indebtedness on behalf of the city or town and upon the credit thereof, by borrowing money or issuing the bonds of the city or town, for the following purposes, to-wit: For the purpose of erecting public buildings, for the purpose of the purchase of lands for public parks, and the improvement thereof, for the purpose of constructing sewers for the city or town, for the purpose of the purchase or construction of water works for fire and domestic purposes; for the purpose of the purchase or construction of a canal or canals or some suitable system for supplying water for irrigation in the city or town; for the purpose of the purchase or construction of gas works for manufacturing illuminating gas; for the purpose of the purchase or construction of a plant to supply electric light, for the purpose of constructing bridges, for the purpose of constructing levies and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the city or town. The total amount of indebtedness for all purposes shall not at any time exceed three

Power to Con-
tract bonded
indebtedness

Purposes

Limitation

	<p>per centum of the total assessed valuation of the taxable property in the city or town, except such debt as may be incurred in supplying the city or town with water and water works, and no loan for any purpose shall be made, except it be by ordinance, which shall be irrepealable until the indebtedness therein provided for shall be fully paid, specifying the purpose to which the funds to be raised shall be applied, and providing for the levying of a tax not exceeding, in total amount, for the entire indebtedness of the city or town, excepting such debt as may be incurred in supplying the city or town with water or water works, twelve mills on each dollar of valuation of the taxable property within the city or town, sufficient to pay the annual interest and extinguish the principal of such debt within the time limited for the debt to run, which shall not be less than ten years, nor more than fifteen years, and providing that said tax when collected shall only be applied to the purpose in said ordinances specified, until the indebtedness shall be paid and discharged; but no such debt shall be created, except the supplying of the city or town with water, unless the question of incurring the same shall, at a regular election of officers for the city or town, be submitted to a vote of such qualified electors of the city or town as shall, in the year next preceding, have paid a property tax therein, and a majority of those voting upon the question by ballot deposited in a separate ballot box shall vote in favor of creating such debt. All statutory rates making provision for fixing the limit of indebtedness of incorporated towns shall be computed upon seventy per cent (70%) of the assessed valuation of incorporated towns, instead of being computed upon the full assessed valuation as provided in the various statutes fixing such limitations.</p>
Time limit	
How computed	
Acts and parts of acts repealed	<p>Section 2. Section 1 of an act entitled "An act to amend an act to amend subdivision VI of Section 14 of Chapter CIX of the General Statutes of Colorado," ap-</p>

proved March 2nd, 1887, and to amend subdivisions 51st and 53rd of Section 14, of Chapter CIX of the General Statutes of Colorado," approved April 6th, 1891, and being subdivision 6 of Section 6525 of the Revised Statutes of Colorado, 1908, is hereby repealed, *provided*, **Exceptions** *however*, that such repeal shall, in no wise, affect any bonds issued prior to the act repealed, and *provided, further*, that any and all proceedings heretofore had or which are now being had or carried forward under the act hereby repealed, may be carried forward, completed and consummated under the provisions of this act.

Approved: April 6, 1917. -

CHAPTER 144.

TOWNS AND CITIES
FUNDING OF FLOATING INDEBTEDNESS

(H. B. No. 268, by Messrs. Kramer and Roth)

AN ACT**TO ENABLE CITIES AND TOWNS TO FUND THEIR FLOATING INDEBTEDNESS***Be It Enacted by the General Assembly of the State of Colorado:***Funding bonds**

Section 1. The city council of any City, or the Board of Trustees of any town, in the State of Colorado, whether incorporated under the General Laws or under Special Charter, may issue negotiable coupon bonds, to be denominated funding bonds, for the purpose of funding any of the legal floating indebtedness of such city or town, whether such indebtedness be now existing or may hereafter be created; but the specific indebtedness to be funded and the amount of such funding bonds to be issued under the provisions of this act shall first be determined by such City Council or Board of Trustees and a certificate of such determination shall be made and entered in and upon the records of the municipalities prior to the issuance of said funding bonds; *provided* that nothing in this act shall be construed to repeal or amend any law limiting the indebtedness of cities or towns.

**"Floating
indebtedness"
defined**

Section 2. The term "floating indebtedness", as used in this act, shall include all obligations of the city or town to pay money, of whatsoever kind or character, except indebtedness evidenced by the outstanding, negotiable interest bearing bonds of the city or town.

Section 3. Whenever such City Council or Board of Trustees shall deem it expedient to issue funding bonds under the provisions of this act, they shall, by ordinance, call a special election of the duly qualified electors, as hereafter defined, of such city or town, for the purpose of voting upon the question of authorizing the City Council or Board of Trustees to issue such funding bonds, or the question may be submitted at a general election of municipal officers. At any election held under the provisions of this act, the question of authorizing the funding of all or any part of the floating indebtedness of the city or town may be submitted as one question for determination, irrespective of the form or date of such indebtedness. The notice of said election shall be published and posted for the same length of time and in the same manner, and the election shall be conducted and the result thereof determined and declared in all respects as nearly as may be in conformity with the provisions of the laws of Colorado governing elections of municipal officers in cities or towns, as the case may be. Said election notice shall specify the time and place or places for holding said election, the amount of the indebtedness to be funded, the amount of funding bonds proposed to be issued at the rate of interest they shall bear. At such election the ballots shall contain the words "Funding Bonds—Yes," and the words "Funding Bonds—No," and the voter shall answer the question submitted by marking a cross (X) opposite the words expressing his choice. Such ballot shall be deposited in a separate ballot box provided by the city or town for that purpose, and no person shall vote on the question submitted unless such person be a qualified voter under the registration and election laws of the State of Colorado applicable to municipalities of the class holding such election, and in addition to such qualification shall have paid a tax within the calendar year immediately preceding such election upon property assessed to the voter in such city or town. The County

Special election
to vote on bond
issue

Procedure

Form of ballot

Qualifications
of electors

List of taxpayers for guidance of judges

Treasurer of the county in which said city or town shall be situated shall, upon demand of the city or town clerk, make out and cause to be delivered to such clerk, for delivery to the judges of election at such funding bond election, a certified list of the property taxpayers as hereinbefore defined, and no person shall vote upon the funding question submitted unless his or her name shall appear upon such list. *Provided, however,* that no election shall be necessary to authorize the City Council of any city, or the Board of Trustees of any town to issue bonds for the purpose of funding indebtedness in the form of a valid subsisting judgment against the municipality.

Canvass of votes

Section 4. If the City Council or Board of Trustees shall determine to issue funding bonds for the purpose of paying and discharging any valid and subsisting judgment against the municipality, or, if, upon canvassing the vote cast at any election held under the provisions of this act, it shall be determined by the City Council or Board of Trustees that a majority of the legal votes cast upon the question submitted are in favor of funding, the City Council or Board of Trustees, as the case may be, shall make such determination a part of the official records of the municipality, and such City Council or Board of Trustees shall immediately thereafter adopt and make a law of the municipality, an ordinance, which shall not be subject to the referendum provisions of any law, providing for the issue of said funding bonds in accordance with the provisions of this act. Such ordinance shall fix the date of said funding bonds, shall designate the denomination or denominations thereof, the rate of interest, the maturity date, which shall not be more than twenty-five years from the date of said funding bonds, the place or places of payment, within or without the State of Colorado, of both principal and interest, and shall prescribe the form of said funding bonds. Such funding bonds shall be negotiable in form, shall recite the title of the act under which they are issued, shall be executed in the

Council to pass ordinance

Form of ordinance

Form of bonds

name of the city or town, as the case may be, and signed by the Mayor, countersigned by the Treasurer, with the seal of the municipality affixed thereto and attested by the clerk. The interest accruing on such funding bonds shall be evidenced by interest coupons thereto attached, bearing the engraved fac-simile signature of the Treasurer of the municipality, and when so executed such coupons shall be the binding obligations of the municipality, according to their import. In the adoption of said ordinance providing for the issue of such funding bonds, the City Council or Board of Trustees shall make the principal of the debt payable in substantially equal annual installments during the period (not exceeding twenty-five years) within which the debt is to be discharged; *provided*, that the date of the maturity of the first installment of the debt shall be not more than five years from the date of said funding bonds.

Section 5. All such funding bonds may be exchanged, dollar for dollar, in satisfaction of the indebtedness to be funded, or they may be sold at not less than their par value, as directed by the City Council or Board of Trustees, as the case may be, and the proceeds thereof shall be applied only to the purpose for which such funding bonds were issued.

Disposition of
bonds

Section 6. The interest accruing on such funding bonds issued pursuant to the provisions of this act prior to the time when tax levies are available therefor shall be paid out of the general revenues of the municipality, and for the purpose of reimbursing such general revenues and for the payment of subsequently accruing interest, the City Council or Board of Trustees issuing such funding bonds, or the proper tax-assessing and collecting officers upon whom shall devolve the duty of levying and collecting city or town taxes, shall levy annually a sufficient tax upon all of the taxable property in the city or town fully to discharge such interest; and for the ultimate redemption of such funding bonds they shall levy

Interest

Taxes for
redemption
of bonds

annually such a tax upon all the taxable property in such city or town as will create a fund sufficient to discharge each annual installment of such funding bonds at the maturity thereof, which fund shall be called the redemption fund. All taxes for interest on and for the redemption of such bonds shall be paid in cash only and shall be kept by the city or town treasurer as a special fund, to be used only in payment of the interest upon and for the redemption of such bonds, and such tax shall be levied and collected as other city or town taxes are levied and collected. The tax provisions for the ultimate redemption of such bonds shall be set forth in the ordinance authorizing their issue, and shall set forth the years in which such taxes shall be levied for the creation of said redemption fund.

Ordinance
Irrepealable

Section 7. Any ordinance authorizing an issue of funding bonds under the provisions of this act, and providing for the levy of taxes for the payment of the interest upon and the principal of such funding bonds, shall not be altered or repealed until the indebtedness thereby authorized shall have been fully paid.

Act repealed

Section 8. An act entitled "An act concerning the funding of floating indebtedness and outstanding warrants by cities and towns; and to repeal an act entitled 'An act to enable the several cities and towns of the state to fund their floating indebtedness,' approved February 21, 1881, and all other acts and parts of acts in conflict herewith," approved April 26, 1909, being Chapter 144, Session Laws of Colorado, 1909, is hereby repealed; *provided, however*, that such repeal shall in no way affect any bonds issued under the act repealed; and *provided, further*, that any and all proceedings heretofore had or which are now being had or carried forward under the act hereby repealed may be carried forward, completed and consummated under the provisions of this act.

Exceptions

Approved: April 10, 1917.

CHAPTER 145.

TOWNS AND CITIES
REFUND OF BONDED INDEBTEDNESS

(S. B. No. 142, by Senator Andrew, by request)

AN ACT

**TO AMEND SECTION 4 OF AN ACT ENTITLED "AN ACT TO
ENABLE CITIES AND TOWNS TO REFUND THEIR
BONDED INDEBTEDNESS," APPROVED APRIL 12, 1915.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section Four of an Act entitled, **Act amended**
"An Act to enable cities and towns to refund their bond-
ed indebtedness", approved April 12, 1915, be amended
so as to read as follows:

Section 4. If the city council or board of trustees **Duty of council
or trustees**
shall determine to issue refunding bonds bearing a rate
of interest which shall not exceed the rate upon the bonds
to be refunded, or if, upon canvassing the vote cast at any
election held under the provisions of this act, it shall be
determined by the city council or board of trustees that
a majority of the legal votes cast upon the question sub-
mitted are in favor of refunding, the city council or board
of trustees, as the case may be, shall make such determi-
nation a part of the official records of the municipality,
and such city council or board of trustees shall imme-
diately thereafter adopt and make a law of the municipi-
pality, an ordinance, which shall not be subject to the
referendum provisions of any law, providing for the issue
of said refunding bonds in accordance with the provisions

**Nature of
refunding
bonds**

of this act. Such ordinance shall fix the date of said refunding bonds, shall designate the denomination or denominations thereof, the rate of interest, which rate shall not be more than six per centum per annum, the maturity date, which shall not be more than twenty-five years from the date of said refunding bonds, and the place or places of payment within or without the State of Colorado, of both principal and interest, and shall prescribe the form of said refunding bonds. Such refunding bonds shall be negotiable in form, shall recite the title of the act under which they are issued, shall be executed in the name of the city or town, as the case may be, and signed by the mayor, countersigned by the treasurer, with the seal of the municipality affixed thereto and attested by the clerk. The interest accruing on such refunding bonds shall be evidenced by semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the treasurer of the municipality, and when so executed, such coupon shall be the binding obligations of the municipality, according to their import. In the adoption of said ordinance providing for the issue of such refunding bonds, the city council or board of trustees shall, so far as consistent with convenient denominations of such bonds, make the principal of the debt payable in substantially equal annual installments during the period (not exceeding 25 years) within which the debt is to be discharged; *provided*, that the date of the maturity of the first installment of the debt shall be not more than five years from the date of said refunding bonds.

**Interest
coupons****Payment in
equal annual
installments**

Approved: April 10, 1917.

CHAPTER 146.

TOWNS AND CITIES

SECOND CLASS

(S. B. No. 70, by Senator Andrew and Messrs. Houtchens and Lucero)

AN ACT

CONCERNING CITIES OF THE SECOND CLASS

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the qualified electors of all the cities of the second class, not under Charter, shall, on the first Tuesday in April of the year 1917, and every two years thereafter, elect a Mayor, a City Clerk and a City Treasurer, from the city at large, and on the same date the qualified electors of each of the several wards of such cities shall elect two Aldermen from each of the several wards, who shall hold their respective offices for the term of two years. Such Mayor and Aldermen shall constitute the City Council, and upon taking office shall proceed to the election and appointment of the following officers, viz: One City Attorney, one City Engineer, one City Supervisor of Streets, one Superintendent of Water, one Superintendent of Sewers, one City Marshal who shall be Chief of Police, and such number of policemen as in their judgment may be necessary to the peace and good order of the city, and such other officers as may be required by statute or ordinance, and may also appoint one police magistrate: On the election of such officers the Mayor may vote only in the case of a tie. One person may

City officers
elected

City officers
appointed

When Mayor
may vote

hold two or more of such appointive offices if compatible with the interests of the city government. Each and every such officer shall be subject to the control and orders of the mayor and may be removed by a majority vote of the Council on charges of incompetence, unfitness, neglect of duty or insubordination, duly made and sustained.

Removal from
office

Section 2. That Section 6556 of the Revised Statutes of Colorado, 1908, and Chapter 166 of Session Laws of 1915, being "An act concerning cities of the second class", approved February 25, 1915, are hereby repealed.

Acts repealed

Section 3. It is hereby declared that this act is a law necessary for the immediate preservation of the public peace, health and safety.

Safety clause

Section 4. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: March 13, 1917.

CHAPTER 147

TRADING STAMPS

PROFIT-SHARING COUPONS PROHIBITED

(S. B. No. 20, by Senators Hattenbach and Kluge, and Messrs. Born and Wilson)

AN ACT

REGARDING THE OFFERING, ISSUANCE, USE OF, OR TRAFFIC IN TRADING STAMPS, PROFIT-SHARING COUPONS, PROFIT-SHARING CERTIFICATES, TOKENS, EVIDENCES OF LIABILITY, PREMIUMS, PRIZES, BONUSES, DISCOUNTS, REBATES, CREDITS AND CERTAIN OTHER LIKE SCHEMES AND DEVICES IN CONNECTION WITH THE SALE OR PURCHASE OF GOODS, WARES AND MERCHANDISE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be unlawful in the State of Colorado to use or offer for the purpose of attracting or enticing trade or in any way to issue, give, deliver or distribute, in consideration of or as a part of or on account of or accompanying any purchase of goods, wares or merchandise, any trading stamp, profit-sharing coupon, profit-sharing certificate, or other token, certificate or evidence of liability which shall be redeemable or exchangeable, alone or in connection with other such stamps or evidence of liability, in any way for premiums, whether such premiums be in the form of goods, wares or merchandise or in the form of any valuable right or property right whatsoever.

Use of trading stamps and premium devices declared unlawful

Section 2. No person, firm or corporation shall offer or deliver with goods, wares and merchandise bargained and sold or to be sold any premium or prize or any article

Offer or delivering of premiums, prizes, etc., prohibited

of value in the nature of a premium or prize, or shall sell, give or offer to sell or give any goods or articles of value in the nature of a bonus, prize or premium in consideration of the purchase of or agreement to purchase any goods, wares or merchandise or shall sell or offer to sell any article of value in the nature of a bonus, prize or premium in connection with the sale or purchase of any other article of goods, wares or merchandise and as an inducement to purchase such goods, wares and merchandise.

Giving of
"evidence of
liability"
prohibited

Section 3. No person, firm or corporation shall offer or deliver, with or in consideration of or as part of any purchase of goods, wares and merchandise, any receipt, coupon or other evidence of liability which shall entitle the recipient, holder, owner or beneficiary thereof to any cash, cash refund, credit, bank credit, discount or reduction, except such beneficiary at the time of such issuance or delivery shall then and there actually receive a cash refund or receive an unconditional cash credit of like amount upon the books of the person, firm or corporation made liable to pay or allow the same under the terms of such transaction.

"Devices"
prohibited

Sec. 4. The punching or marking of any ticket, book, or other like devices, by any person, firm or corporation, which ticket, book or device evidences the ownership, possession or right of the purchaser, recipient or holder of any such ticket, book or device to receive anything as a premium, bonus, discount or otherwise within any of the foregoing sections, shall be deemed equivalent to the issuance and delivery of a premium, bonus, discount or other like forbidden device and shall be likewise unlawful.

Redeemable
and exchange-
able bonuses,
etc., prohibited

Sec. 5. No person, persons, firm or corporation shall conduct or carry on any trade system, practice or business scheme or plan which includes or involves the offering or delivery, with or in consideration of any purchase of goods, wares and merchandise, of any bonuses, premiums,

discounts, rebates, credits or prizes or any trading-stamps, profit-sharing coupons, tokens or other evidences of liability of any sort, which are redeemable or exchangeable in any way for bonuses, premiums, discounts, rebates, credits, or prizes, where the success or maintenance of any such trade-system, practice or business scheme or plan, or any advantage or profit to be derived in the course of it, arises from or depends upon any or either of the following factors or causes:

(a) Arises from or depends upon the credulity, ignorance, misinformation or negligence of the person or persons to whom said bonuses, premiums, evidences of liability or other devices above mentioned are offered or delivered, or of the public, or of the persons who are dealt with in the course of such practice or business plan.

Factors and
causes

(b) Arises from or depends upon the failure or negligence of any person or persons to whom such offer or delivery is made or of the beneficiaries of any such bonuses, premiums, rebates, tokens, evidences of liability, or other devices above mentioned, or of the general public, or of the customers or persons trading with the persons making such offer and delivery, or of part of either, to accept or take the advantage of any such bonuses, premiums, discounts, rebates or prizes, or other devices, or to redeem or exchange any token, tokens, or evidence or evidences of liability therefor.

(c) Arises from or depends upon the encouragement of any profligate, excessive or inconsiderate purchasing of goods, wares and merchandise or from or upon anything which materially encourages or tends to encourage any of the same.

(d) Arises from or depends upon the opportunity for deceit, fraud or misrepresentation in the course thereof, or the opportunity to play upon the ignorance, credulity or inexperience of the public.

(e) Arises from or depends upon the inducement or encouragement given the general public or the persons dealt with in the case of retail trade in articles or materials for food, clothing, household supplies or other articles of ordinary family or personal use, to purchase such articles either wholly or partially because of the value of or any profit or advantage to be derived from the acquisition of any such bonus, premium, discount, rebate, credit or prize as distinguished from purchasing the same solely because of the intrinsic value of or need for or any advantage in the acquisition of the articles themselves which are accompanied by such bonuses, premiums, discounts, rebates, credits or prizes or by something exchangeable therefor. Every day on or in which any trade system, practice, business scheme or plan forbidden under any of the foregoing paragraphs is conducted or carried on shall constitute a separate offense.

Cash discounts

(f) *Provided*, that nothing in this section shall be construed to prohibit the giving or receiving of cash discounts.

Validity of act

Sec. 6. If any section, sentence, paragraph or part of this act or the applicability of this act to any particular device, scheme, or class of trade shall, for any reason, be adjudged by any competent court to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but every such section, clause, sentence, paragraph or part hereof is declared to be passed separately and to be divisible and its application to every such device, scheme or class of business to be separable and divisible.

Penalty

Sec. 7. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars or imprisonment in the county jail for not more than sixty days, or both.

Sec. 8. Nothing herein contained shall limit or affect the power of any town, city or municipality (whether organized under general or special law or any constitutional provision) to enact any ordinances or other local measures whatsoever on the subjects herein contained, *provided* that such ordinance or local measure shall not have the effect of making lawful anything forbidden in this act.

Municipal
regulation

Approved: April 20, 1917.

CHAPTER 148.

TRUST DEEDS
RELEASE OF—JACKSON COUNTY

(H. B. No. 192, by Mr. Murphy)

AN ACT

TO DECLARE THE PROPER PUBLIC TRUSTEE TO MAKE SUCH TRUSTEE'S SALES, RELEASES OF DEEDS TO CERTAIN LANDS IN JACKSON COUNTY AND LEGALIZING THE ACTS OF THE PUBLIC TRUSTEE.

Be It Enacted by the General Assembly of the State of Colorado:

Public Trustee's duties

Section 1. The Public Trustee of Jackson County is hereby declared to be and is made the Public Trustee to make releases, sales or Public Trustee's deeds to transfer all lands embraced in what is now Jackson County upon deeds of trust in force at the time of the creation of the County of Jackson out of the County of Larimer, where the deeds of trust are made to the said Public Trustee of said Larimer County; and all releases, sales or deeds made by the Public Trustee of said Jackson County of lands within the boundaries of said Jackson County since the organization of said Jackson County are hereby declared to be legal.

Emergency

In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 4, 1917.

CHAPTER 149.

UNIVERSITY OF COLORADO
ADDITIONAL MILL LEVY FOR MAINTENANCE

(H. B. No. 147, by Messrs. Ardourel, Frisbey, Willison and Anderson)

AN ACT**LEVYING A TAX FOR THE SUPPORT AND MAINTENANCE
OF THE UNIVERSITY OF COLORADO.**

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. In addition to the levy now authorized by law there shall be levied annually, beginning with the year 1917, upon all taxable property in the State of Colorado, for the use of the University of Colorado eight (8) Mill levy hundredths of one mill, on each and every dollar of the assessed valuation of said taxable property, to be assessed and collected in the same manner, and at the same time as is now, or may hereafter be prescribed by law for the assessment and collection of state taxes.

Section 2. The entire fund derived from such levy Purpose each year is hereby appropriated for the support and maintenance of the University of Colorado.

Section 3. It is hereby declared that this act is Safety clause necessary for the immediate preservation of public peace, health and safety.

Approved: March 24, 1917.

CHAPTER 150.

VOCATIONAL EDUCATION
CO-OPERATION WITH U. S. GOVERNMENT

(S. B. No. 237, by Senators West and Riddle and Mr. Banks)

AN ACT

TO ACCEPT AND COMPLY WITH THE PROVISIONS OF AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FOR THE PROMOTION OF VOCATIONAL EDUCATION; TO PROVIDE FOR CO-OPERATION WITH THE STATES IN THE PROMOTION OF SUCH EDUCATION IN AGRICULTURE AND THE TRADES AND INDUSTRIES; TO PROVIDE FOR CO-OPERATION WITH THE STATES IN THE PREPARATION OF TEACHERS OF VOCATIONAL SUBJECTS; AND TO APPROPRIATE MONEY AND REGULATE ITS EXPENDITURE", AND TO PROVIDE FOR THE ADMINISTRATION OF THESE PROVISIONS BY THE STATE BOARD OF AGRICULTURE, AND FOR THE APPROPRIATION OF NECESSARY FUNDS.

Be It Enacted by the General Assembly of the State of Colorado:

Acceptance of
provisions for
co-operation
with U. S.

Section 1. That full and complete acceptance and assent is hereby made and given by the State of Colorado to the provisions, terms and conditions made and prescribed by the act of Congress of the United States entitled "An act to provide for the promotion of vocational education, to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries, to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

Section 2. The governing board of the State Agricultural College, officially known as the State Board of Agriculture, is hereby designated as the State Board for carrying out the provisions of the aforesaid act of Congress. In addition to its present powers and duties, the State Board of Agriculture is hereby vested with all the powers required to comply with the provisions of said Act of Congress.

State Board of Agriculture designated to carry out provisions of act

Section 3. The State Board of Agriculture is hereby directed and empowered to prepare plans for vocational education as required by the aforesaid act of Congress, and when said plans shall have been found to comply with the provisions of said act by the Federal Board for Vocational Education, the State Board of Agriculture is hereby authorized and empowered to carry the same into effect in institutions now operated under its direction and in other state institutions, and, by entering into agreement and contract with the boards of education of first, second and third class school districts, and with county high school and district boards; and said boards of education and county high school and district boards are hereby authorized and empowered to enter into such agreement and contract with the State Board of Agriculture and they are hereby granted the right to use and expend a part of the revenues of their respective districts for such purpose.

Plans for vocational education

Section 4. The State Board of Agriculture is hereby authorized, empowered and directed to prepare plans for the training of teachers of vocational subjects as required by the aforesaid act of Congress, and to put these plans into effect. For the purpose of making available to the State of Colorado the appropriations provided in Section 4 of said Act of Congress, the State Board of Agriculture is hereby authorized, empowered and directed to meet said appropriations with moneys on a dollar for dollar basis, to be paid out of funds appropriated

Training of teachers

Appropriations

for the maintenance and support of the institutions under its control.

State Treasurer
appointed
custodian

Section 5. The State Treasurer is hereby appointed custodian of the funds due and payable to the State of Colorado by the aforesaid act of Congress, and is hereby authorized and directed to pay out such funds on warrants drawn by the Auditor of State on the order of the State Board of Agriculture, signed by its president and countersigned by its Secretary.

Costs of ad-
ministration

Section 6. The State Board of Agriculture is hereby authorized to use funds appropriated for the maintenance and support of institutions and schools under its control, for defraying the costs of administration under this act and said act of Congress.

Successors in
office

Section 7. Should Section 1 of Article IX of the Constitution of Colorado be hereafter amended so as to provide for an appointive board of education, then such board shall, on the first day of July following such amendment, supersede the State Board of Agriculture in relation to all its powers and duties under this act. The State Board of Agriculture is designated as the State Board for carrying out the provisions of the aforesaid act of Congress as a temporary measure until said Section 1 of Article IX of the Constitution is so amended or until a more suitable agency shall be established.

Safety clause

Section 8. In the opinion of the General Assembly this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency
clause

Section 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 10, 1917.

CHAPTER 151.

WATERSDIVERSION FROM STATE UNLAWFUL

(S. B. No. 418, by Senators Kluge, DeBusk, Wilkin, Coltman, Coldren
and Mr. Marold)

AN ACT

TO PRESERVE AND MAINTAIN THE WATERS OF THE
STATE OF COLORADO AND TO PREVENT THE
DIVERSION, CARRIAGE AND CONVEYANCE THEREOF
INTO OTHER STATES FOR USE THEREIN, AND TO
AUTHORIZE THE DISTRICT AND SUPREME COURTS TO
ENFORCE THE PROVISIONS HEREOF.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. For the purpose of aiding and preserv-
ing unto the State of Colorado and all its citizens the use
of all the waters of the springs, lakes, ponds, creeks,
rivers, streams and water-courses of this state, which wa-
ters do not increase with the growth of population and
which are necessary for the health and prosperity of all
the citizens of the State of Colorado, and for the growth,
maintenance and general welfare of the state, it shall be
unlawful for any person, corporation or association to
divert, carry or transport by ditches, canals, pipes, con-
duits, natural streams or water-courses, the waters of any
springs, reservoir, lake, pond, creek, river, stream or wa-
ter-course of this state into any other state for use therein.

Unlawful to
divert water
from the state

Section 2. It shall be the duty of the State Engineer,
the Division Engineers and the Water Commissioners of
this state, to see that the waters of the state are preserved

Officials
charged with
enforcement
of act

for the use and benefit of the citizens and inhabitants of the state for its growth, prosperity and general welfare, and to prevent the waters thereof from being diverted, carried, conveyed or transported by ditches, canals, pipes, conduits, natural streams or water-courses, into other states for use therein, and upon its being brought to the knowledge of the State Engineer of Colorado that any person, corporation or association is carrying or transporting any of such waters into any other state for use therein, or is intending so to do, it shall be his duty to immediately call the matter to the attention of the Attorney General, who shall, in behalf of and in the name of the state, apply to any District Court or to the Supreme Court of the State of Colorado, for such restraining orders or injunctions, both preliminary and final, as may be necessary to enforce the provision of this act and jurisdiction is conferred upon said courts for such purposes.

Safety clause

Section 3. In the opinion of the General Assembly this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency clause

Section 4. In the opinion of the General Assembly an emergency exists, therefore, this act shall be in force and take effect from and after its passage.

Approved: March 30, 1917.

CHAPTER 152.

WATERS OF SPRINGSAPPROPRIATION FOR BENEFICIAL USES

(H. B. No. 445, by Mr. Rogers and Senator Eaton)

AN ACT

TO ESTABLISH AND DEFINE PRIORITY OF APPROPRIATIONS OF THE WATERS OF FLOWING SPRINGS.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The waters of natural flowing springs may be appropriated for all beneficial uses, including domestic use and uses for private and public bathing establishments for bottling for use in commerce, irrigation, manufacturing and mining, the same as water of natural streams, and claims therefor may be filed with the state engineer and such appropriations may be adjudicated in any proceedings brought or pending for determination of priorities of the use of water for irrigation or other beneficial purposes in the water district wherein said springs may be situated, irrespective of whether or not the water from any such spring or springs are tributary to any natural streams. If upon any such adjudication it shall appear and be found and determined that the water of any such spring or springs are not naturally tributary to any natural stream, the court shall fix and decree the rights of appropriators from such spring or springs among themselves, and as to any such appropriators among themselves, whose rights shall not have been defined or determined by decree of court or contract, continuous, open, notorious and adverse user of water for more than

Appropriation
for beneficial
usesCourt to
decree

twenty years shall entitle the appropriator to the continued use thereof to the extent of his beneficial use throughout said period irrespective of whether or not such appropriators shall have made record filings for such claims.

Established
rights not
impaired

Section 2. Nothing in this act contained shall be construed to amend or repeal Section 3177 of the Revised Statutes of Colorado, 1908, or shall impair, diminish or destroy any valid appropriation of water for any beneficial use which shall have been made or decreed in accordance with law or shall modify, amend or effect any decree of court or the statutes limiting the time wherein appropriators must have appeared for determination of priorities of right for diversions from natural streams, or the decisions of the courts construing the statutes aforesaid.

Interference
with flow

Section 3. Any person, association or corporation who shall without lawful right so to do, cause any diminution of or obstruction or interference with the flow of waters from any such natural springs to the injury of any appropriator of any such waters, shall be liable in damages to the injured party to the amount of such injury.

Approved: March 30, 1917.

CHAPTER 153.

WATER WORKS DISTRICTS
REFUNDING BONDED INDEBTEDNESS

(S. B. No. 380, by Senator Dunlap)

AN ACT

IN RELATION TO THE BONDED DEBT OF PUBLIC WATER DISTRICTS AND PROVIDING FOR THE REFUNDING THEREOF.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That the bonded debt, in whole or in part, of any public water works district, created or existing under and by virtue of the provisions of "An Act to provide for the creation of public water works districts in cities of ten thousand population or over; for the construction, purchase or condemnation of water works therefor; for the issuing of bonds of such district for such purpose; and for the management of the same", approved March 25, 1905, and acts amendatory thereof, may be refunded whenever said bonds, or any part thereof, become due and payable, or, may become payable at the option of such public water works district, or by the consent of the holders of said bonds, whether due or not, or by any lawful means, whether such bonded indebtedness be now existing or may hereafter be created, in the manner herein provided.

Purpose of act

Section 2. Whenever in the judgment of the board of water works, or other board or commission in charge of the affairs of any such district, it will be expedient or

Procedure by Board

for the benefit of such district to refund the outstanding bonded debt of such district, or any part thereof, such board shall first determine the amount of such refunding bonds to be issued under the provisions of this Act, and shall adopt and place upon the records of said board a resolution setting forth the amount of such refunding bonds to be issued, the maximum rate of interest to be paid thereon, the time and place of payment of the proposed bonds, and also a description of the bonds to be refunded, giving their date, amount, rate of interest, time and place of payment. Said resolution shall also request the city council or board of commissioners of the city within which such water district shall be situated, to submit the question of issuing such refunding bonds to the qualified taxpaying voters of said district at a general or special election, within a period of time to be fixed in said resolution. That thereafter a certified copy of said resolution shall be delivered to the city council or board of commissioners of said city.

**Manner of
submission**

Section 3. That whenever such a resolution shall be adopted and a certified copy delivered to the city council or board of commissioners of any such city, such city council or board of commissioners shall thereupon pass and adopt an ordinance providing for the submission of the question of issuing such refunding bonds to the qualified electors within such water district, who shall have paid a tax upon realty within said district within one year prior to the date of such election.

The submission of such question shall be at a general election for the election of city officials within such city, unless in said resolution a special request shall be made for the holding of a special election, and further, no special election for such purpose shall be held within less than four months prior to the holding of any general city election.

Section 4. Notice of such election, and of the sub-
mission of the question of refunding said indebtedness,
shall be published and posted for the same length of
time and in the same manner, and the election shall be
conducted and the results thereof determined, declared
and certified in all respects as nearly as may be in con-
formity with the provisions of the laws governing the
election of municipal officials in said city, except insofar
as otherwise provided by this Act, or acts amendatory
hereof. Said election notices shall specify the time and
place or places for holding said election, the amount and
date of the bonds to be refunded, the amount of refund-
ing bonds to be issued, and the maximum rate of interest
which they shall bear, which rate shall not exceed six
per cent. per annum, and the period for which said bonds
shall run.

Publication
of notice

Section 5. At such election the ballot shall contain
the words "FOR REFUNDING BONDS", and the
words "AGAINST REFUNDING BONDS", and pro-
vision shall be made thereon so that the voter may express
his choice upon the question submitted by marking a
cross (X) opposite the words expressing his choice. Sep-
arate ballots shall be provided for voting on said ques-
tion, which ballots shall be deposited in a separate ballot
box provided by the city for that purpose, and no person
shall vote on the question of refunding said bonds unless
said person be a qualified voter under the registration and
election laws applicable to the election of officers of said
city, and in addition to said qualification, shall have paid
a tax, upon real estate assessed to said voter and situated
within the limits of said water district, within the year
immediately preceding the date of such election. The
County Treasurer of the county in which said city and
water district shall be situated, shall upon request of the
City Clerk make out and deliver to said Clerk at least ten
days before such refunding bond election, a certified list
containing the names of all persons paying a tax upon

Form of ballot

Qualifications
of electorsTaxpayers
list

real estate situated within said water district within the year preceding said election. The City Clerk shall furnish the election judges in each of the several precincts or districts within said water district, for use at said election, a list of all qualified electors who are entitled to vote upon the question of refunding said bonds. The City Clerk shall also furnish for each precinct and polling place proper books and records for use of the election judges and clerks in recording the names of persons voting upon said question, and certifying to the result of the election upon said question.

Canvass

Section 6. The returns of the election upon the question of refunding such bonds shall be canvassed and the result ascertained at the same time, and in the same manner provided for the canvassing the results of the election of officers, as near as may be. After canvassing the returns of said election, the City Clerk shall prepare a certificate setting forth the result of said election upon said question and deliver the same to the Board of Water Works, or other board or commission in charge of the affairs of said water district. If a majority of the votes cast at said election upon the question of the issuance of said refunding bonds shall be in favor of their issuance, then the said refunding bonds shall be duly authorized in the amount designated in said notice of election. Otherwise, the board of water works shall have no authority to refund said bonds.

Certificate as to results

Form of bonds

Section 7. If the qualified tax-paying electors within said water district shall authorize the issuance of such refunding bonds, the board of water works shall by resolution fix the date of such refunding bonds, and designate the denomination or denominations thereof, the rate of interest, the date of maturity, which shall not be more than twenty-five years from the date of such bonds, and the place or places of payment within or without the State of Colorado, of both principal and interest, and shall prescribe the form of said refunding bonds. Such refunding

bonds shall be negotiable in form, shall recite the title of the Act under which they are issued, shall be executed in the name of the city, be signed by the Mayor or President of the Council or other presiding officers of the city Council or commission, be counter-signed by the official then acting as the Treasurer of said city, and be attested and signed by the City Clerk and under the seal of the city.

Section 8. The interest upon said bonds shall be payable according to the tenor of coupons attached to said bonds, which shall be authenticated as may be provided by said resolution. Said bonds shall, however, provide that they are payable out of the revenues from said water works district and out of any moneys derived from special charges imposed by said board of water works, from any special assessments or taxes levied by said city within said district for the payment thereof, and shall constitute a lien upon the taxable real property in said water district only.

Interest
coupons

How paid

Section 9. Refunding bonds issued under the provisions of this Act shall not be considered a part of the general indebtedness of the city within which said water district is situated, nor be a lien upon the taxable property in such city located outside of the limits of said water district, nor payable from the general revenues of said city.

Bonds not part
of general
indebtedness

Section 10. All refunding bonds issued under the provisions of this Act shall, previous to the delivery thereof, be duly registered by the City Treasurer of said city in a book to be kept for that purpose in his office.

Registration

Section 11. Said bonds shall be redeemable at the option of said Water District at any interest paying period from and after ten years from their date. The redemption of such bonds shall be in the order of their number, the lowest numbered bonds to be redeemed first. Redemption of said bonds may be made from the cur-

Redemption

rent revenues of the water district, from taxes levied and collected for such purpose, or from a sinking fund created or established for such purpose, authority for the creation and control of which is hereby conferred upon said board of water works.

**Procedure in
redemption**

Section 12. Whenever the board of water works shall desire to redeem one or more of said bonds, they shall notify the City Treasurer of said city as to the number of bonds which it is desired to redeem, and the City Treasurer shall by advertisement for five days in some newspaper of general circulation in said city, call in such a number of bonds as are sought to be redeemed, specifying in such notice the bonds so called by number, and the time when the same will be paid on presentation thereof. *Provided*, that the time specified for the presentation and payment of such bonds shall be not less than thirty days after the first publication of such notice. At the time so fixed for the presentation and payment of such bonds, interest on said bonds so called shall cease. The holder of any of said bonds may at any time furnish the City Treasurer his post office address, and in such case said City Treasurer shall mail to such holder at such address a copy of said notice on the first day of its publication.

**Disposition
of bonds**

Section 13. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold by the board of water works, and the proceeds applied to the payment of the principal of the bonds to be refunded: *provided*, such refunding bonds shall not be sold except after public notice of the time and place of sale published once each week for three successive weeks in a newspaper of general circulation, published in said city, and inviting bids therefor. Said notice shall fix the time and place of sale, which time shall be not less than twenty days after the date of the first publication thereof. The City Council or the board of water works may reject any and all bids re-

ceived, and sell said bonds at private sale, *provided* that said bonds shall not be sold at private sale except for a price which shall be greater than the highest responsible bid received at the time of the opening of the said bids, and *provided, further*, that no sale of said bonds shall be for less than their par value, and the proceeds thereof shall be applied only for the purpose for which said refunding bonds were issued. Such refunding bonds shall not be issued until the outstanding bonds to be refunded have been called in in an amount equal to or in excess of the refunding bonds to be so issued, and all accrued interest on any such bonds to be refunded shall be paid, or provision for payment thereof made, before such refunding bonds are issued.

Private sale

Section 14. The expenses of holding and conducting a special election, if one is held to vote upon the issuance of such refunding bonds, shall be paid by said water district, and in the event of the submission of such question at a general election, said water district shall pay such additional expense only as is incurred by the submission of said question, not including any portion of the general election expenses which would otherwise be incurred by the city in the holding of a general election.

Election
expense

Section 15. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing
clause

Section 16. It is hereby declared and enacted that this Act is a law necessary for the immediate preservation of public peace, health and safety.

Safety clause

Section 17. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Emergency
clause

Approved: April 19, 1917.

CHAPTER 154.

WILLS
PROCEDURE¹ IN CONTEST CASES

(S. B. No. 405, by Senators Napier and Andrew, by request)

AN ACT**IN RELATION TO THE PRACTICE IN WILL CONTESTS**

Be It Enacted by the General Assembly of the State of Colorado:

Procedure

Issues severed

Section 1. In any will contest instituted after the passage of this act in which an issue is made by the proponent of the will, which issue raises the question of heirship of interest of the caveator or the right of the caveator to maintain the will contest upon any ground, the Court shall, upon motion of the proponent, order such issue severed and shall try and determine such issue without delay before proceeding to try and determine the remaining issues. Such issue shall be tried and determined in the manner now provided for the hearing and determination of heirship in an estate in process of settlement in the County Court; and, upon such trial, if such issue shall be determined adversely to the caveator, then the will contest shall be forthwith dismissed as to such caveator.

Approved: April 4, 1917.

CHAPTER 155

WORKMEN'S COMPENSATION
INDUSTRIAL COMMISSION—POWERS AND DUTIES

(S. B. No. 281, by Senators Lewis, Candlish, and Mr. Meyer)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO DETERMINE AND DEFINE THE RELATIONS BETWEEN EMPLOYER AND EMPLOYEE, PROVIDING FOR SAFE AND HYGIENIC CONDITIONS AND FOR COMPENSATION FOR ACCIDENTAL INJURY TO OR DEATH OF EMPLOYEES; FOR INSURANCE OF SUCH COMPENSATION; ESTABLISHING AN INDUSTRIAL COMMISSION, PRESCRIBING ITS POWERS, AND PROVIDING FOR REVIEW OF ITS PROCEEDINGS; MAKING AN APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT; PROVIDING PENALTIES FOR VIOLATION OF THIS ACT; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT; AND DECLARING THIS ACT TO BE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY", APPROVED APRIL 10, 1915, BEING CHAPTER 179 OF THE SESSION LAWS OF COLORADO, 1915.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. That Section four, Section seven, Section eight, Section ten, Section eleven, Section fourteen, Section twenty, Section twenty-three, Section twenty-eight, Section twenty-nine, Section thirty-one, Section forty-eight, Section fifty, Section fifty-two, Section fifty-three, Section fifty-four, Section sixty-two, Section sixty-seven and Section seventy-seven of "An Act to determine and define the relations between employer and employee, providing safe and hygienic conditions and for compensation

Act amended

for accidental injury to or death of employees; for insurance of such compensation; establishing an Industrial Commission, prescribing its powers, and providing for review of its proceedings; making an appropriation to carry out the provisions of this act; providing penalties for violation of this act; repealing all acts and parts of acts in conflict with this act, and declaring this act to be necessary for the immediate preservation of public peace, health and safety," approved April 10, 1915, being Chapter 179 of the Session Laws of Colorado, 1915, be and the same are hereby amended as follows:

**Section
amended**

Section 2. Section four of said act is hereby amended to read as follows:

**Construction
of terms**

Section 4. The following terms as used in this act shall be construed and have the following meaning unless otherwise specifically defined in the context:

**"Order"
defined**

(a) The term "order" shall mean and include any decision, classification, rate, rule, regulation, direction, requirement or standard of the Commission, or any other determination arrived at or decision made by such Commission.

**"Place of
employment"
defined**

(b) The term "place of employment" shall mean and include every place whether indoors or out, or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly relating to any industry, trade or business is carried on and where any person is directly or indirectly employed by another for direct or indirect gain or profit, except as otherwise expressly provided in this act.

**"Employment"
defined**

(c) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except as otherwise expressly provided in this act.

(d) The term "employer" shall mean and include: "Employer" includes state, county, etc.

(1) The State, and each county, city, town, irrigation, drainage, and school district therein, and all public institutions and administrative boards thereof, without regard to the number of persons in the service of any such public employer; and provided that all such public employers shall be at all times subject to the compensation provisions of this act.

(2) Every person, association of persons, firm and private corporation (including any public service corporation), personal representative, assignee, trustee and receiver, who has four or more persons regularly engaged in the same business or employment, (except as otherwise expressly provided in this act), in service under any contract of hire, express or implied, and who, at or prior to the time of the accident to the employe for which compensation is claimed under this act, has elected to become subject to the provisions of this act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this act.

Individuals, corporations, etc., employing four or more persons which comply with provisions of act

(3) This act is not intended to apply to employers of private, domestic servants or farm and ranch labor, nor to employers who employ less than four employes regularly in the same business or in or about the same place of employment; *provided*, that any such employer may elect to accept the provisions of this act in the manner provided herein, in which event he and his employes shall be subject to and entitled to all provisions of this act.

Does not include persons employing domestics or farm hands unless accepted

(4) The provisions of this act shall not apply to common carriers engaged in interstate commerce, nor to their employes.

Carriers of interstate commerce exempt

(e) The term "employe" shall mean and include: Who deemed employe

(1) Every person in the service of the state, or of the county, city, town, irrigation, drainage, or school district therein, or of any public institution or administrative board thereof, under any appointment or contract of

Persons in employ of state, county, etc.

National Guard
excepted

When police-
men or firemen
considered as
employees

All persons
engaged at
trade of their
employer

Employer
liable for
injuries or
death in case
of contracting
or sub-
contracting
employees

hire, express or implied, except an elective official of the state, or of any county, city, town, irrigation, drainage, or school district therein, or of any public institution or administrative board thereof, and except all officers and enlisted men of the National Guard of the State of Colorado. Policemen and firemen shall be deemed employees within the meaning of this paragraph; *provided*, that any policeman or fireman claiming compensation under this act shall have deducted from such compensation any sum which such policeman or fireman may receive from any pension or any benefit fund to which the municipality may contribute.

(2) Every person in the service of any other person, association of persons, firm, private corporation, including any public service corporation, personal representative, assignee, trustee, or receiver, under any contract of hire, express or implied, including aliens and also including minors who are legally permitted to work under the laws of this state (who for the purposes of this act, shall be considered the same, and shall have the same power of contracting with respect to their employment, as adult employees), but not including any person whose employment is but casual, or who is expressly excluded from this act, or whose employment is not in the usual course of trade, business, profession or occupation of his employer.

(3) Every employer who owns any property upon which any business is carried on, who contracts out the work on said premises, to any contractor, sub-contractor, person or persons who shall hire four or more employees, or every employer who shall operate his business exclusively or in part by leasing or contracting out any part or all of the work thereof to any contractor, sub-contractor, lessee, person or persons, shall be liable for compensation to the said contractor, sub-contractor, lessee, person or persons and their employees, for injuries or death under this act, and shall insure the same as herein provided, unless within five days prior to the beginning of

said work or business as aforesaid, he shall present in writing to the Commission satisfactory proof that said contractor, sub-contractor, lessee, person or persons, and his or their employes, have accepted this act and have complied with the insurance provision thereof, or rejected this act; *provided, however*, that if said employer, doing business as provided in this section, shall insure the risk of said contractor, sub-contractor, lessee, person or persons, and their employes, such employer may deduct the premium for the same from the contract price or proceeds which may be due said contractor, sub-contractor, lessee, person or persons.

How liability
avoided

(4) Where an employer, who has accepted the provisions of this act and has complied therewith, shall loan the service of any of his employees who have accepted the provisions of this act, to any third person, he shall be liable for any compensation thereafter for any injuries or death of said employe as in this act provided, unless it shall appear from the evidence in said case that said loaning constitutes a new contract of hire between the employe whose services were loaned and the person to whom he was loaned.

Employer
liable in
case of
employe loaned
to another

(f) I. For the purpose of this act, the following described persons shall be conclusively presumed to be wholly dependent:

Who considered
as dependent
upon deceased
employe

(1) The wife, unless it be shown that she was voluntarily living apart from her husband at the time of his injury or death, and was not dependent in whole or in part on him for support.

Wife, when

(2) Minor children of the deceased under the age of sixteen years. The term "minor child" shall include posthumous children and a child legally adopted prior to the injury.

Minor
children

(3) Children between sixteen and eighteen years of age, or those over eighteen if physically or mentally incapacitated from earning, shall, *prima facie*, be considered dependent.

What children
are deemed
dependent

Other actual
dependents

II. The wife, children, husband, mother, father, grandmother, grandfather, sister, brother, who were wholly supported by the deceased workman at the time of his death, and for a reasonable period of time immediately prior thereto, shall be considered his actual dependents, and payment of compensation shall be made to them in the order named.

Partial
dependents

III. Any member or members of a class named in this section, who regularly derived part of his support from the wages of the deceased workman at the time of his death, and for a reasonable period of time immediately prior thereto, shall be considered his partial dependents, and payment of compensation shall be made to such dependents in the order named.

Basis of com-
pensation and
term for which
paid

IV. Compensation shall be payable to such dependents entitled thereto, subject to the provisions of this act as to minimum and maximum, without administration, on the basis of fifty per cent. of the average weekly wages of the deceased for a period of six years from the date of the death of the injured workman, less any sums paid to deceased prior to his death, as compensation for disability as in this act provided. In all cases where compensation is payable to dependents for the benefit of two or more dependents, the Commission shall have the power to determine, in its discretion, what proportion of the compensation shall be applied for the benefit of each dependent, and may order the same paid to a guardian or conservator, if necessary.

Effect of
remarriage
of spouse

V. In case of remarriage of a spouse without children, he or she shall receive a lump sum settlement equal to one-half of the amount of compensation remaining unpaid. This amount shall be paid to such spouse within sixty days after written notice to the Commission of such remarriage. In case of remarriage of a spouse who has dependent children, the unpaid balance of compensation,

which would otherwise become due to such spouse, shall be paid to such children.

VI. Parial dependents shall be entitled to receive only that proportion of the benefits provided for actual dependents which the average amount of the wages, regularly contributed by the deceased to such partial dependent at and for a reasonable time immediately prior to the injury, bore to the total income of the dependents during the same time. Where there are persons both wholly dependent and partially dependent, only those wholly dependent shall be entitled to compensation.

Compensation
to partial
dependents,
how
determined

VII. (1) Questions as to who constitute dependents, and the extent of their dependency, shall be determined as of the day of the accident to the injured workman, and their right to death benefits shall become fixed as of said time irrespective of any subsequent change in conditions, and the death benefits shall be directly payable to the dependent or dependents entitled thereto, or to their legal representatives.

Determination
of dependency

(2) When a right to death benefits shall have become fixed, it shall cease upon the happening of any one of the following contingencies:

When benefits
shall cease

(a) Upon the marriage of the spouse, with the exception as to lump sum settlement, as hereinbefore provided.

Marriage of
spouse

(b) When a child reaches the age of eighteen years, unless such child at such time is physically or mentally incapacitated from earning.

Child reaches
age of eighteen
years

(c) Upon the death of any dependent.

Death of
dependent

Provided, however, that in any case where the share of any dependent shall lapse, it shall survive to the remaining dependents.

When share
of dependent
lapses

VIII. That where the deceased workman leaves no dependents, compensation shall be limited to medical, surgical and hospital expenses as herein provided, and to a reasonable funeral expense for said deceased, not to ex-

Where there
are no
dependents

Funeral
expenses

ceed the sum of seventy-five dollars, together with such sum as the deceased may have been paid for disability.

Sum to be
advanced for
burial expenses

IX. If death shall occur to the injured workman as the proximate result of the accident, and he leaves dependents entitled to compensation, there shall be advanced within thirty days after the said death the sum of not to exceed one hundred dollars for reasonable funeral and burial expenses, which said sum shall be credited against and deducted from the compensation to be received by said dependents, and this sum shall not be affected by the provisions of this act relating to payments in gross.

Non-residents
of U. S. entitled
to but one-
third benefit

X. Death benefits under this act to dependents who are non-residents of the United States shall be one-third of the amount which a dependent who is a resident of the United States might receive; *provided*, that in no event shall death benefits to dependents who are non-residents of the United States exceed the aggregate sum of one thousand dollars.

Dependent not
party in
interest

XI. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement or collection of any claim for compensation, nor as respects the compromise thereof by such employee.

How average
weekly wage
determined

(g) The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.

Maximum and
minimum wage

(1) The average weekly earnings of all employees shall be taken at not less than the minimum nor more than the maximum provided in this act. Between said limits, said average annual earnings shall be determined as follows:

What the term
"wages"
embraces

(2) Whenever the term wages is used it shall be construed to mean the money rate at which the services rendered are recompensed under the contract of hire in force at the time of the accident, either express or implied, and shall not include gratuities received from the

employer or others; nor shall it include board, lodging or similar advantages received from the employer, unless the money value of such advantage shall have been fixed by the parties at the time of the hiring; nor shall it include amounts deducted by the employer under the contract of hiring for labor, material, supplies, tools and other things furnished and paid for by the employer and necessary for the performance of such contract by the employe.

(3) The average weekly wage shall be computed as follows: In seasonal employment or employments dependent upon the weather the employe's average weekly wage shall be one-fiftieth of the total wages he has earned in all occupations during the year immediately preceding the accident, unless it be shown that during said year, by reason of exceptional causes, such method of computing does not ascertain fairly the earnings of the employe; in which case the period of calculation shall be extended so as to give a basis for the fair ascertainment of his average weekly wages, but not to exceed a period of two years.

How weekly wages are to be computed

A seasonable employment shall be defined to be, an employment which cannot by reason of conditions of nature or of business be pursued continuously throughout the year, but is pursued intermittently, or is confined to certain seasons of the year. In all other cases the injured employe's average weekly wage shall be taken to be five and one-half times his average daily wage, excluding earnings from overtime, using as a basis of calculation in securing his average daily wage, his earnings from all employers during the six months immediately preceding his accident; *provided, however*, that if a fair average daily wage cannot be secured from his earnings in the preceding six months, the earnings for the year immediately preceding his accident may be used. *Provided*, that if the workman has not been employed six months, his daily average shall be taken from the time he has worked.

In cases of seasonable employment

In cases of
concurrent
contracts

Where an employe is working under concurrent contracts with four or more employers, his wages from all employments shall be considered as if earned from the employer liable for compensation.

In case
employe is a
minor

(4) If an employe is a minor, his average daily wage shall be determined on the basis of the earnings that such minor, if not disabled or killed, would probably have earned. If it is established that the injured employe was of such age and experience when injured or killed, as that under natural conditions his wages would be expected to be increased, that fact may be considered in arriving at his average weekly wage.

Previous
disability not
to be
considered

(5) The fact that an employe has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death; but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his average annual earning capacity at the time of the latter injury, in the employment in which he was working at such time, and shall be arrived at according to, and subject to, the limitations of the provisions of this section.

"Safe" and
"Safety"
defined

(h) The term "safe" or "safety" as applied to an employment or place of employment, shall mean such freedom from danger to the life, health and safety of employes, and such reasonable means of notification, egress and escape in case of fire, as the nature of the employment will reasonably permit.

Section
amended

Section 3. Section seven of said act is hereby amended to read as follows:

Defenses
available
to employer
if employe
has not com-
plied with
this act

Section 7. If an employer has elected to and has complied with the provisions of this act, including the provisions thereof relating to insurance, and an action is brought against such employer to recover damages for personal injuries or death sustained by an employe who has elected not to come under this act, then such employer

shall have all the defenses to such an action which he would have had if this act and that certain other act entitled, "An act concerning assumption of risk," being Chapter 43, page 115, of the Session Laws of 1913, had not been enacted.

Section 4. Section eight of said act is hereby amended to read as follows:

Section
amended

Section 8. The right of the compensation provided for in this act, in lieu of any other liability whatsoever, to any and all persons whomsoever, for any personal injury or death accidentally sustained on and after August 1st, 1915, shall obtain in all cases where the following conditions occur:

In what cases
right to
compensation
obtain

(1) Where, at the time of the accident, both employer and employe are subject to the provisions of this act; and where the employer has complied with the provisions thereof regarding insurance.

(2) Where, at the time of the accident, the employe is performing service arising out of and in the course of his employment.

(3) Where the injury is proximately caused by accident arising out of and in the course of his employment, and is not intentionally self-inflicted.

Section 5. Section ten of said act is hereby amended to read as follows:

Section
amended

Section 10. Any employer electing to become subject to the provisions of this act shall secure compensation for his employes in one of the following ways:

How employer
may secure
compensation
to employe

(1) By insuring and keeping insured the payment of such compensation in the State Compensation Insurance Fund, or,

(2) By insuring and keeping insured the payment of such compensation with any stock or mutual corporation authorized to transact the business of Workmen's Compensation Insurance in this state. If insurance be so effected in such a corporation or mutual corporation, the

May insure
with mutual
or stock
company

employer shall forthwith file, with the Commission, in form prescribed by it, a notice specifying the name of such insurance corporation or mutual corporation together with a copy of the contract or policy of insurance.

(3) By furnishing satisfactory proof to the Commission of his financial ability to pay such compensation direct to his employes, as hereinafter provided; *provided*, that the state itself, and each county, city, town, irrigation, drainage and school district therein, and each public institution and each administrative board thereof shall insure and keep insured the payment of such compensation in the State Compensation Insurance Fund.

State and civil
sub-divisions
amenable to
this act

Section
amended

Section 6. Section eleven of said act is hereby amended to read as follows:

Liability insur-
ance companies
file statement
with
commission

Section 11. Every insurance corporation or mutual corporation, and the State Compensation Insurance Fund, authorized to transact business in this state, which insures employers against liability for compensation under the provisions of this act, shall file with the commission its classification of risks and premiums relating thereto, and any subsequent proposed classification of risks and premiums, together with basic rates and schedules, if a system of schedule rating be in use, none of which shall take effect until the Commission shall have approved the same as adequate for the risks to which they respectively apply. The Commission may withdraw its approval of any premium rate or schedule made by any insurance corporation or mutual corporation, if, in its judgment, such premium rate or schedule is inadequate to provide the necessary reserves. If any insurance carrier wilfully violates any of the provisions of this act, the Insurance Commissioner, on the request of the Industrial Commission, shall suspend or revoke the license or authority of such carrier to do a compensation business in this state.

Commission
may disap-
prove rate

When Insur-
ance Commis-
sioner may
suspend or
revoke license

Contracts of
insurance
made subject
to act

Every contract for the insurance of compensation herein provided for, or against liability therefor, shall

be deemed to be made subject to the provisions of this act, and all provisions thereof in such insurance policy, inconsistent with the provisions of this act, shall be void; and each such contract and each endorsement, rider, letter, or other document affecting such contract shall be of a standard form as nearly as possible, and be approved by the Industrial Commission.

Commission
to approve
contracts, etc.

Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employe, and in the event of his death, to his dependents, to pay compensation, if any, for which the employer is liable; that, as between the employe and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act.

Requirements
of contract of
insurance

Such policy must also provide that the employe shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employe or his dependents, the said insurance carrier may and shall pay the same directly to the said employe or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employe, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the

Provisions of
policy for
direct payment
to employe

period that the policy is in operation or the compensation remains owing.

Insurance Commissioner to make examination of state compensation fund

The State Compensation Insurance Fund shall be open to visitation and examination by the Insurance Commissioner, at all reasonable times, and the Insurance Commissioner may require from the Commission reports as to the condition of such fund, as required by law to be made by other insurance carriers doing business in this State, and it shall be the duty of the Insurance Commissioner to cause a thorough examination of such fund to be made during the month of November of each year, such examination to be made by a competent, fair and impartial examiner, selected by agreement of the Insurance Commissioner and the Commission. Such examination shall be by an actuary of recognized standing, and free from any connection with any interests opposed to the State Compensation Insurance Fund.

Section amended

Section 7. Section fourteen of said act is hereby amended to read as follows:

Employer to keep a record of injuries to employees and report to Commission

Section 14. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the Commission, upon blanks to be procured from the Commission for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, and shall state the time, the nature and cause of injury and such information as may be required by the Commission. Any employer who refuses or neglects to make any report required by this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars for each such offense. Every employee who sustains an injury shall notify

Failure to report a misdemeanor

his employer of said injury within two days of its occurrence, unless said employe shall be physically or mentally unable so to do, or unless his employer shall have actual notice of said injury. If said employe shall fail to report said injury he shall lose one day's compensation for each day's failure to so report; *provided, however*, that if any one shall report the said accident for said injured employe within the time above specified, to his employer, then the injured employe shall be relieved from reporting the accident as provided above.

Employe to
report injury
to employer

Section 8. Section twenty of said act is hereby amended to read as follows:

Section
amended

Section 20. There is hereby established a fund to be known as the State Compensation Insurance Fund, for the benefit of injured and the dependents of killed and injured employes, which shall be administered in accordance with the following provisions, without liability on the part of the State beyond the amount of said fund, constituted as provided in this Act.

State compen-
sation insur-
ance fund
established

Section 9. Section twenty-three of said act is hereby amended to read as follows:

Section
amended

Section 23. The Commission is hereby vested with full power, authority and jurisdiction over the State Compensation Insurance Fund and may do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction over said fund in the administration thereof under the provisions of this act, as fully and completely as the governing body of a private insurance company might or could do, subject, however, to all the provisions of this act.

Commission
has full
jurisdiction
over insurance
fund

The Commission shall have full power and authority, and it shall be his duty, to fix and determine the rates to be charged by the State Compensation Insurance Fund for compensation insurance, and to manage and conduct all business and affairs in relation thereto, all of which busi-

Commission
to fix and
determine
rates

ness and affairs shall be conducted in the name of the Commission, and in that name, without any other name or title, the Commission may:

Commission
may sue and
be sued

1. Sue and be sued in all the courts of the State and in actions arising out of any act, deed, matter or thing made, omitted, entered into, done or suffered in connection with the State Compensation Insurance Fund, the administration, management or conduct of the business or affairs relating thereto.

May make
contracts of
insurance

2. Make and enter into contracts of insurance with employers as herein provided, and such other contracts or obligations relating to the State Compensation Insurance Fund as are authorized or permitted under the provisions of this act, but the Commission shall not, or shall any officer or employe thereof, be personally liable in its private capacity for or on account of an act performed or contract or other obligation entered into or undertaken in an official capacity, in good faith and without intent to defraud, in connection with the administration, management or conduct of the State Compensation Insurance Fund, its business or other affairs relating thereto.

May contract
for medical
and surgical
aid

3. Contract with physicians, surgeons and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from said fund.

May employ
actuary

4. The Commission may employ and maintain in the department a compensation actuary who shall be experienced and skilled and fully competent to perform the duties of the position, and who shall assist in or take charge of the practical operation of the State Compensation Insurance Fund under the general direction of the Commission. The actuary shall receive such salary as may be agreed upon by the Commission.

Salary of
actuary

May employ
other assist-
ants with
consent of
Auditing
Board

5. The Commission shall have power, with the approval of the State Auditing Board, to employ during their pleasure such deputies, experts, statisticians, ac-

countants, actuaries, inspectors, clerks and other employes as they may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the Commission. Such deputies, statisticians, accountants, inspectors, clerks, and all other employes, except experts and actuaries in the employ of the Commission, shall have been for four years prior to such employment or appointment, bona fide residents of the State of Colorado, and each and all of them, except only the experts, shall, while in the employ of the Commission, devote their entire time to the service of the Commission.

Four years' residence in state required

6. All deputies, statisticians, accountants, actuaries, clerks, experts and all other employes of the Commission shall receive such compensation as may be fixed by law or by the Commission, in conjunction with the State Auditing Board, and their salaries so fixed, as aforesaid, shall be paid monthly from the funds appropriated for the use of the Commission, after being approved by the Commission and the State Auditing Board.

Salaries of employes

7. All expenses incurred by the Commission pursuant to the provisions of this act, including the actual and necessary traveling expenses and other expenses and disbursements of the Commission, its officers and employes, incurred while on business of the Commission, shall be paid from funds appropriated for the use of the Commission upon claims therefor, itemized and sworn to, made by the person who incurred the same, which shall be allowed by the Commission, subject to the approval of the State Auditing Board, and is authorized to procure such additional furniture and supplies as may be necessary for such purposes, to be paid for in the same manner as other expenses authorized by this act; *provided*, that the traveling expenses of any member or members of the Commission or of any employe or employes thereof incurred while on business of the Commission outside of the State of

How expenses of Commission paid

Expenses outside state must be authorized by State Auditing Board

Colorado shall be paid in the manner aforesaid, but only when such expenses are, in advance, authorized to be incurred by the Commission and by the State Auditing Board.

Re-insurance
covering
catastrophe
hazard

8. The Commission may, with the approval of the State Auditing Board, secure re-insurance covering the catastrophe hazard with respect to any risk or risks carried by the State Compensation Insurance Fund, and the State Treasurer shall pay the premium for such re-insurance from the State Compensation Insurance Fund in the manner provided by this act for other disbursements from said fund.

Section
amended

Section 10. Section twenty-eight of said act is hereby amended to read as follows:

Conditions to
be considered
in classifying
employers and
fixing rates

Section 28. It shall be the duty of the Commission in the exercise of the powers and discretion conferred upon it by this act, ultimately to fix and maintain, for each class and sub-class of occupation, the lowest possible rates of premium consistent with the maintenance of a solvent State Compensation Insurance Fund, and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death, that may be authorized to be paid from the State Compensation Insurance Fund for the benefit of injured and dependents of killed employes; and, in order that said objects may be accomplished, the Commission shall observe the following requirements in classifying occupations and fixing the rates of premiums for the risks of the same:

It shall determine and base all rates of premiums for said classes and sub-classes and all revisions thereof, upon the following conditions and considerations:

Condition of
place of
employment

(a) The condition of the place of employment as regards health, safety and protection against accident, and the means and methods of caring for injured persons;

(b) Total payroll, and number of employees in each of said classes and sub-classes; Payroll and number of employees

(c) The loss ratio developed by the sub-class, and by the class as a whole; Loss ratio

(d) The earned premium exposure of the sub-class, and of the class as a whole; Earned premiums

(e) The character of hazard of the sub-class and of the class as a whole; Hazard

(f) The number and nature of accidents experienced by the sub-class, and the class as a whole; Accidents

(g) The number and nature of accidents experienced by the individual employers; Accidents by individual employers

(h) A reasonable regard for the accident experience of each such employer, and his employees. Accident experience

But such rates shall take no account of the extent to which the employees in any particular establishment have or have not persons dependent upon them for support; nor of whether such employees have dependents who are non-residents of the United States; nor of whether such employees are married or single; nor the age of any such employees. The rates so made shall be that percentage of the payroll of any employer which, on the average, shall produce a sufficient sum— Matters disregarded in fixing rates

(1) To carry all claims to maturity; that is to say, the rates shall be based upon the "reserve" and not upon the "assessment" plan; To provide a reserve

(2) To produce a reasonable surplus, as provided in this act, to cover the catastrophe hazard, and insure the payment to employees and their dependents of the compensation herein provided. To produce a surplus

In determining the amount of reserve to be laid aside to meet deferred payments according to awards, such reserve shall be ascertained by finding the present worth of such deferred payments calculated at a rate of interest not higher than four per cent. per annum and such calcu- How reserve shall be determined

lations shall be made according to a table of mortality not lower than the American Experience Table of Mortality.

Section
amended

Section 11. Section twenty-nine of said Act is hereby amended to read as follows:

Commission to
keep accounts

Section 29. The Commission shall keep an accurate account of the money paid in premiums by each of the several classes and sub-classes of occupations or industries, and the disbursements on account of injuries and death of employes thereof; and it shall also keep an account of the money received from each individual employer and the amount disbursed from the State Compensation Insurance Fund on account of injuries and death of the employes of such employer; *provided*, that the State Compensation Insurance Fund, including such portions of said Fund as may be derived from premiums paid by the State, and its political subdivisions, shall be one fund, indivisible, for the purpose of paying the compensation and benefits provided by this Act to the persons legally entitled thereto.

State fund to
be indivisible

Surplus fund
provided

The Commission shall set aside such proportion as it may deem necessary, of the earned premiums paid into the State Compensation Insurance Fund, as a contribution to the surplus of the Fund; *provided* that until the surplus of the Fund shall amount to the sum of Five Hundred Thousand Dollars (\$500,000), at least ten per cent. of the earned premiums paid in to the State Compensation Insurance Fund shall be so set aside.

Amount

Intention to
make insurance
fund self-
supporting

It is the intention that the amounts raised for such State Compensation Insurance Fund shall ultimately become neither more nor less than to make said Fund self-supporting, and the premiums or rates levied for such purpose shall be subject to readjustment from time to time by the Commission, as may become necessary.

Section
amended

Section 12. Section thirty-one of said Act is hereby amended to read as follows:

Section 31. The Commission shall from time to time issue in proper form for distribution a manual showing the rates of premiums to be said to the State Compensation Insurance Fund by the employers of the several classes and sub-classes, based and determined as in this act provided; *provided*, that the Commission may, in its discretion, amend the rate or rates for any class or classes, sub-class or sub-classes, by serving notice of such change or changes in rate upon all policy holders affected thereby, at least thirty (30) days before the date upon which any change is to take effect; and *provided, further*, that no contract of insurance between the State Compensation Insurance Fund and any employer shall be in effect until a policy or binder has been actually issued by the Commission and the premium therefor paid as and when required by the Commission, and *provided, further*, that after the inspection of the premises of any employer, the Commission may quote with respect to his risk a rate higher than that indicated by its manual as applicable to his risk.

Commission to issue manual showing rates

Rates may be amended

When policy in force

Commission may raise rate for cause

As of the first day of January of each year, and semi-annually thereafter, the Commission shall tabulate the earned premiums paid by policy holders of the State Compensation Insurance Fund, by classes and sub-classes, and shall also tabulate the losses incurred by the State Compensation Insurance Fund by classes and sub-classes; should the experience of the entire fund show a balance to the credit of the policy holders after the before mentioned amounts have been credited to the surplus fund, after payment of all amounts which have fallen due because of injury or death, after setting aside reserves to carry all incurred losses to maturity, then the Commission shall distribute such divisible surplus to the policy holders of such classes as have a balance to their credit, in proportion to the premium paid by each such policy holder during the preceding insurance period, and in proportion to the divisible surplus earned by his class.

Commission to tabulate premiums and losses

Distribution of surplus

or sub-class, as a credit upon the premium or premiums next due from him.

Section
amended

Section 13. Section forty-eight of said act is hereby amended to read as follows:

Injury from
previous
accident not
considered

Section 48. Where an injured employe has sustained a previous injury and disability, as a result of an accident previously sustained, compensation for any subsequent accident shall be determined solely upon the injury resulting from such subsequent accident, and he shall be paid only for the latter injury as if such previous accident, injury and disability had not occurred.

Section
amended

Section 14. Section fifty of said act is hereby amended to read as follows:

Employers
must furnish
medical
attention, etc.

Section 50. Every employer, regardless of his method of insurance, shall furnish such medical, surgical and hospital treatment, medical, hospital and surgical supplies, crutches and apparatus as may be reasonably needed at the time of the injury and thereafter during the disability, but not exceeding thirty days from the date of the accident and \$100.00 in value to cure and relieve from the effects of the injury; *provided*, that medical, surgical and hospital treatment, payment for which is provided for in any plan now in force between employer and his employes at the time of the enactment of this act or which is thereafter agreed to by the employer and employe, shall be deemed a full compliance with the requirements of this section and shall be received by the employe in full accord and satisfaction thereof. *Provided, however*, that every plan in force between an employer and his employes at the time of the enactment of this act, or which is thereafter agreed to between employer and employe, shall upon the request of the Industrial Commission, as hereinafter provided, be submitted to it in detail for its approval or disapproval. Upon the submission to the Industrial Commission of any plan for furnishing medical, surgical and hospital treatment, the

Existing
contracts

Existing plans
and future
agreements
subject to
approval of
Commission

Commission shall, within fifteen days after the submission of such plan, investigate the same, and shall submit in writing its findings to the parties to the said plan, with its approval, if in its discretion the plan should be approved. *Provided, however,* that the Commission shall approve any plan which in reality, provides injured employes with proper medical, surgical and hospital treatment as required by this act.

If, however, the Industrial Commission shall not approve said plan, it shall submit in writing its findings, together with such suggestions as it may make, to said employer and employe, for the purpose of making said plan comply with the requirements of this section, and shall fix the time in which said plan shall be altered or changed in accordance with the findings of the Commission. Upon the service upon the employer of the findings of the Industrial Commission, the employer shall, within the time specified in the findings of the Commission, change said plan in accordance with the findings and recommendations of the Commission.

In case of
disapproval

If the Commission shall find from the facts that no workable plan can be agreed upon between employer and employe, it may require the employer to take out insurance covering the requirements of this section.

In case of
disagreement
as to plan

If the employer, upon service upon him of the findings and recommendations of the Commission, does not comply with the same within the time specified therein, he shall not be entitled to the benefit of any such plan, but shall forthwith take out insurance covering the requirements of this section, and during such failure shall be liable for medical, surgical and hospital attention as if no such plan had been made.

Non-compliance to work
forfeiture of
benefit

It shall be the duty of the Industrial Commission as soon as practicable after the passage of this act, to make full investigation of all plans now in force for the purpose of determining whether said plans comply with this

Duty of
Commission to
investigate
all plans in
force

section and actually do provide the injured employe with the proper medical, surgical and hospital attention required by this section.

Commission to
adjust
differences as
to medical fees

When any dispute arises between any insurer or employer and any physician and surgeon in this State, in regard to the payment for medical, surgical or hospital services rendered by virtue of this section, the Commission shall have the power to hear the same and fix the value of said services. The Commission may, in its discretion, establish a schedule of fees as the basis upon which the medical services under this section shall be compensated, and said schedule shall be the basis upon which medical, surgical and hospital services under this section shall be compensated.

Section
amended

Section 15. Section Fifty-two of said act is hereby amended to read as follows:

When disability
benefits paid

Section 52. If the accident causes disability a disability indemnity shall be payable as wages upon the twenty-second day after the injured employe leaves work as the result of the injury, and thereafter regularly but not less frequently than once in each calendar month, unless otherwise ordered by the Commission, subject, however, to the following limitations:

No recovery
for disability
less than two
weeks

(a) If the period of disability does not last longer than two weeks from the day the employe leaves work as the result of the injury, no disability indemnity whatsoever shall be recoverable except the disbursement in this act provided for medical, nurse and hospital services and medicines; nor in any case unless the Commission has actual knowledge of the injury, or is notified thereof within the period specified in this act.

No indemnity
for first two
weeks of
disability

(b) If the period of disability last longer than two weeks from the day the employe leaves work as the result of injury, no disability indemnity shall be recoverable for the first two weeks of disability.

A workman, in order to be entitled to compensation for hernia, must clearly prove: (1) That the hernia is of recent origin; (2) that its appearance was accompanied by pain; (3) that it was immediately preceded by some accidental strain suffered in the course of the employment, and (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special operating fee of not to exceed \$50 shall be paid by the employer, the insurer, or the Commission, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

When employe may recover for hernia

Section 16. Section fifty-three of said act is hereby amended to read as follows:

Section amended

Section 53. In case of temporary disability of more than two weeks' duration, the employe shall receive fifty per cent. of his average weekly wages so long as such disability is total, not to exceed a maximum of eight dollars per week and not less than a minimum of five dollars per week, unless the employe's wages shall be less than five dollars per week, in which event he shall receive compensation equal to his average weekly wages.

Benefit in case of temporary disability

Section 17. Section fifty-four of said act is hereby amended to read as follows:

Section amended

Section 54. In case of injury resulting in partial disability, the employe shall receive fifty per cent. of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of eight dollars per week, or a greater sum in the aggregate than two thousand and eighty dollars. In cases included in the following schedule, the disability in each case shall be deemed to continue for a period specified, and the compensation so paid for such injury shall be as specified herein, to-wit:

Benefit in case of partial disability

How long disability deemed to continue

The loss of one arm between the elbow and shoulder, 208 weeks;

The loss of forearm between wrist and elbow, 139 weeks;

The loss of a hand, 104 weeks;

The loss of a palm where thumb remains, 70 weeks;

The loss of a thumb and the metacarpal bone thereof, 50 weeks;

The loss of a thumb at the proximal joint, 35 weeks;

The loss of a thumb at the second or distal joint, 18 weeks;

The loss of an index finger and the metacarpal bone thereof, 26 weeks;

The loss of an index finger at the proximal joint, 18 weeks;

The loss of an index finger at the second joint, 13 weeks;

The loss of an index finger at the distal joint, 9 weeks;

The loss of a second finger and the metacarpal bone thereof, 18 weeks;

The loss of a middle finger at the proximal joint, 13 weeks;

The loss of a middle finger at the second joint, 9 weeks;

The loss of a middle finger at the distal joint, 5 weeks;

The loss of a third or ring finger and the metacarpal bone thereof, 11 weeks;

The loss of a ring finger at the proximal joint, 7 weeks;

The loss of a ring finger at the second joint, 7 weeks;

The loss of a ring finger at the distal joint, 4 weeks;

The loss of a little finger and the metacarpal bone thereof, 13 weeks;

The loss of a little finger at the proximal joint, 9 weeks;

The loss of a little finger at the second joint, 9 weeks;

The loss of a little finger at the distal joint, 4 weeks;

The loss of all the fingers of one hand where the thumb and palm remains, 52 weeks;

The loss of a leg at the hip joint, or so near thereto as to preclude the use of an artificial limb, 208 weeks;

The loss of a leg at or above the knee, where stump remains sufficient to permit the use of an artificial limb, 139 weeks;

The loss of a foot at the ankle, 104 weeks;

The loss of a great toe with the metacarpal bone thereof, 26 weeks;

The loss of a great toe at the proximal joint, 18 weeks;

The loss of a great toe at the second joint, 9 weeks;

The loss of any other toe with the metacarpal bone thereof, 11 weeks;

The loss of any other toe at the proximal joint, 4 weeks;

The loss of any other toe at the second or distal joint, 4 weeks;

The loss of all the toes of one foot, 35 weeks;

The loss of an eye by enucleation, 139 weeks;

Total blindness of one eye, 104 weeks;

Total deafness of both ears, 139 weeks;

Total deafness of one ear, 35 weeks;

Total deafness of the second ear, 139 weeks;

Other relative injuries: In all other cases, not otherwise specified in the forgoing schedule, the compensation shall bear such relation to the amount stated in the above

Other relative
injuries

schedule as the disabilities bear to those produced by the injuries named in schedule, except:

Compensation
in cases of
facial
disfigurement

(a) *Facial disfigurement*: If any employe is seriously, permanently disfigured about the face or head, the Commission may allow such sum for compensation on account thereof as it may deem just, not exceeding Five Hundred Dollars;

Compensation
in cases of
disability from
infection

(b) *Disability through Infection*: When, by reason of infection or other cause not due to the neglect or misconduct of the injured employe, he is actually disabled longer than the time specified in the foregoing schedule for earning wages, compensation shall be paid such employe for such loss of wages within the limits otherwise provided.

Paralysis
deemed loss

(c) *Paralysis*: For the purpose of this schedule, permanent and complete paralysis of any member as the proximate result of an accidental injury shall be deemed equivalent to the loss thereof.

How compen-
sation fixed in
case of
amputation

(d) *Amputation*: Whenever an amputation is made between any two joints mentioned in this schedule, (except amputation between the knee and hip joint), the resulting loss shall be estimated as if the amputation had been made at the joint nearest thereto.

Maximum
amounts
specified

(e) The amounts specified in this section are all subject to the limitation as to the maximum weekly amount, payable as hereinbefore specified in this act.

(f) When an injured workman sustains two injuries coming under this schedule, the disability specified herein shall be added, and the injured workman shall receive the sum of the two.

Section
amended

Section 18. Section sixty-two of said act is hereby amended to read as follows:

No claim to
recover
maintained
unless notice
given

Section 62. No claim to recover compensation under this act shall be maintained unless, within thirty days after the occurrence of the accident which is claimed to

have caused the injury or death, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, the nature and cause of the injury, and making a claim for compensation with respect to injury and signed by the person injured, or by some one in his behalf, or in case of death, by a dependent or some one in his behalf, stating also the names and addresses of each dependent, shall be served upon the Commission, either by delivering to, and leaving with it a copy of such notice, or by mailing to it by registered mail, a copy thereof, in a sealed and postpaid envelope, addressed to it at its office in Denver, Colorado. Such mailing shall constitute completed service; *provided, however*, that the failure to give any such notice or any defect or inaccuracy therein, shall not be a bar to a recovery under this act, if it is found as a fact in the proceedings for the collection of the claim, that there was no intention to mislead the Commission, and that it was not, in fact, misled thereby, or that said claimants were non-residents; and *provided, further* that if no such notice is given, and no payment of compensation has been made within one year from the date of the accident, the right to compensation therefor shall be wholly barred, and that any disability beginning more than five years from the date of the accident shall be conclusively presumed not to be due to such accident.

By whom
claim madeService of
claimEffect of
failure to
give noticeLimitation of
action

Section 19. Section sixty-seven of said act is hereby amended to read as follows:

Section
amended

Section 67. The State Treasurer is hereby authorized to deposit or invest any portion of the State Compensation Insurance Fund not needed for immediate use, in the same manner and subject to all provisions of law with respect to the deposit or investment of state funds by such Treasurer, and the State Treasurer may deposit or invest the surplus and reserves of the said fund or any portion thereof in any warrants or bonds of the State of

Deposit and
investment of
funds

Interest on funds

Insurance fund not used for other purposes

Section amended

When action may be brought to review findings

Petition for rehearing

Repealing clause

If any portion of act unconstitutional

Colorado, and all interest earned by such portion or portions of the State Compensation Insurance Fund as may be deposited or invested shall be collected by the State Treasurer and placed to the credit of such fund; *provided, however,* that none of the funds belonging to the State Compensation Insurance Fund shall be used for any other purpose whatsoever save those of said fund. Said Industrial Commission shall determine and notify the State Treasurer in writing, the amount of percentage of said State Compensation Insurance Fund which in the judgment of the Commission may be so invested by the State Treasurer.

Section 20. Section seventy-seven of said act is hereby amended to read as follows:

Section 77. No action, proceeding or suit to set aside, vacate or amend any finding, order or award of the Commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have first applied to the Commission for a hearing thereon as provided in this act, and unless such action, proceeding or suit shall have been commenced within sixty days after final decision by the Commission. *Provided, however,* that no action shall be maintained in the District Court to set aside a decision of the Commission, unless prior to the bringing of such action within thirty days after final determination by the Commission, a verified petition for rehearing as hereinafter provided shall be filed with the Industrial Commission setting forth all of the alleged errors of the Commission.

Section 21. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed; *provided,* that no right of action now existing shall be affected by such repeal, and nothing contained in this act shall be construed to affect the authority of the state board of health relative to the public health.

Section 22. If any part, section, sub-section, sentence, clause or phrase of this act, is for any reason held

to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each part, section, sub-section, sentence, clause or phrase irrespective of the fact that any one or more other parts, section, sub-section, sentence, clauses or phrases be declared unconstitutional.

Section 23. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety. Safety clause

Section 24. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force immediately after its passage. Emergency clause

Approved: April 23, 1917.

BOON BEST,

Speaker of the House of Representatives.

JAMES A. PULLIAM,

President of the Senate.

JULIUS C. GUNTER,

Governor of the State of Colorado.

HOUSE JOINT RESOLUTION NO. 3

(By Mr. Smith)

RESOLVED, By the House of Representatives, the Senate concurring:

WHEREAS, Twenty-three states have enacted laws or adopted constitutional provisions banishing from their borders the traffic in intoxicating liquors, which, together with other states in which optional prohibitory laws are in effect, constitute almost 75 per cent of the geographical area of the United States; and

WHEREAS, This vast saloonless territory has demonstrated in a practical manner that the absence of the liquor traffic means the protection of the economic welfare, health, peace and morals of our citizens; therefore be it

RESOLVED, By the House of Representatives of the Twenty-first General Assembly of the state of Colorado, the Senate concurring, that we hereby memorialize the Congress of the United States to act favorably upon the present pending bill designed to make Washington, our national capital, anti-saloon territory; and, further, that we urge the adoption by Congress of a joint resolution providing for an amendment to the constitution of the United States to forever prohibit the manufacture and sale of intoxicating liquors in the United States and all her possessions, thus submitting the same to the states for ratification.

Approved: January 22, 1917.

HOUSE JOINT RESOLUTION NO. 7

(By Mr. Crosswhite and Senator Dunklee)

JOINT RESOLUTION

**OF THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE STATE OF COLORADO RELATING TO FEDERAL
FARM LOAN ACT.**

WHEREAS, In July, 1915, a law known as the Federal Farm Loan Act was passed by Congress and approved by the President of the United States, and it was provided therein that twelve "Land Banks" should be established throughout the United States, apportioned with due regard to the farm loan needs of the country; and

WHEREAS, In the location of those banks the entire Rocky Mountain country covering a stretch of territory 1,400 miles in width from Wichita, Kansas, to Berkeley, California, and Spokane, Washington, and extending from Canada to Mexico was left without representation; and

WHEREAS, That territory has special conditions, and needs arising out of its peculiarity of climate and not existing in those localities where the banks were located; and

WHEREAS, Denver is the center of that great irrigated and dry-farming and stock-raising country, the needs of which can be better understood and dealt with by a bank located in that district than by one located hundreds of miles distant; and

WHEREAS, One of the avowed and proper purposes of Congress in establishing twelve, rather than a

smaller number of banks, both in the Farm Loan Act and the Federal Reserve Act, was to provide each distinct section of the country with representation under the system; and

WHEREAS, The Rocky Mountain and irrigated land region has received no representation in the placing of the banks under either system; and

WHEREAS, There is now pending in Congress a bill providing for the establishment of an additional district with a Federal Land Bank at Denver, in order that the Rocky Mountain and irrigated land region may be properly represented in the system, and that the farmers of this region may receive the fullest benefits thereof; now, therefore, be it

RESOLVED, By the Senate and House of Representatives of the State of Colorado, that we do hereby earnestly approve of and urge the establishment of such a bank to be located at Denver; and that we urge our representatives in the Senate and House of Representatives to continue their efforts in behalf of the passage of said bill; be it further

RESOLVED, That copies of this resolution be forwarded by the Chief Clerk of the House of Representatives to each of our Representatives and Senators in Congress and to the President of the Senate and Speaker of the House at Washington.

Approved: February 8, 1917.

HOUSE JOINT RESOLUTION NO. 9

(By Mr. Meyer)

WHEREAS, It appears that a grave situation has arisen in the international relations of the United States of America with a belligerent nation of Europe involving questions of the most acute and far reaching nature; therefore be it

RESOLVED, That the people of the State of Colorado, acting through and by the Twenty-first General Assembly of the state, sitting at Denver, hereby pledge the absolute faith and confidence of Colorado in the President of the United States in whatever action may eventuate from this hour of his solemn deliberation upon any question of acute international import; be it further

RESOLVED, That a copy of this resolution be printed in the Journal and an enrolled copy be forwarded to his Excellency, President Wilson.

Approved: February 8, 1917.

HOUSE JOINT RESOLUTION NO. 16

(By Messrs. Ardourel and Crowley)

WHEREAS, this nation is passing through one of the most serious crises of its history through the recent development of the submarine warfare and the extreme declarations of policy by the German Empire; and,

WHEREAS, the President of the nation is entitled to the support and loyalty of every citizen of the United States in handling this situation as effectively as possible and in the assertion of our rights as a power among the nations of the world:—

THEREFORE, BE IT RESOLVED, that the 21st General Assembly of the State of Colorado hereby endorses every act which our President Woodrow Wilson has taken or may hereafter take, for the protection of the rights of American citizens and American interests wherever and however they may be threatened or attacked; that we deplore the attitude of the National Senate in failing to uphold and assist him in this critical hour and assure our President of the unswerving loyalty and support of Colorado's citizens in all he may do for the full and effective defense of American rights and performance of American duties; and,

RESOLVED FURTHER, that this resolution be enrolled and a copy sent to the President of the United States.

Approved: March 6, 1917.

HOUSE JOINT MEMORIAL NO. 2

(By Mr. Crowley)

ESTABLISHMENT OF TACTICAL DIVISION OF UNITED STATES ARMY AT FORT LOGAN, IN THE STATE OF COLORADO.

TO THE HONORABLE WOODROW WILSON,
PRESIDENT, AND
THE CONGRESS OF THE UNITED STATES OF
AMERICA:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents that:

WHEREAS, The European War and the Rebellion in Mexico have prompted the people of the United States to adopt a public policy of national military preparedness, and to that end emphasized the necessity of providing and establishing ways and means for the proper tactical training of the several groups composing the United States Army and enhancing its speedy and effective mobilization in emergency; and,

WHEREAS, The people of the State of Colorado express the belief that the present order would, because of the number of army posts and their geographical distribution, impede free, speedy and effective mobilization and concentration of the Army in case of military emergency, and that it should be found expedient to reorganize and unite the scattered posts into tactical groups composed of detachments of all arms, stationing each group in the vicinity of a strategic center affording adequate facilities for administration, distribution and supply; and,

WHEREAS, There is located at Fort Logan, in the State of Colorado, one of the regularly established posts of Army, which has unusual and unlimited advantages for tactical training in drill, field and mountain maneuvers and army discipline; and,

WHEREAS, Fort Logan is admirably well situated to fulfill all requirements for the proper military training of men, and the administration, transportation and supply of a large army post, and its speedy and effective mobilization and concentration on either frontier or sea board by direct connections through the City of Denver, about ten miles distant, with all principal railroad lines of the central and western parts of the United States: Fort Logan has extensive railroad side-tracking, and at all times a large available supply of rolling stock, making it practical to immediately entrain for transportation great numbers of soldiers and equipment, there being a station at the post and three loading points within a few miles; Fort Logan is so situated that its Quartermasters department could be as economically supplied as anywhere in the United States and at lower rates than at most of the existing posts; Fort Logan lies on a vast expanse of upland close to mountains at an altitude of approximately one mile above sea level, enjoys an adequate supply of excellent waters, and an abundance of sunshine, and, because of these and many other advantages, it is an ideal site for the training of large numbers of men for military service in sanitation and wholesome environment.

WHEREFORE, Your memorialist respectfully advises, recommends, and requests that a measure be passed by your honorable body establishing at Fort Logan a full tactical division of the United States Army, with proper proportion of cavalry, field artillery and special troops.

It is directed that this memorial be enrolled and that one copy be sent to the President of the United States, one to the chairman of the committee on Military Affairs

of the House of Representatives, one to the chairman of the committee on Military Affairs of the Senate, one to the Secretary of War and one to each of the members representing the State of Colorado in the Senate and House of Representatives and in Congress now assembled;

AND, That the Twenty-first General Assembly of the State of Colorado, now in session, urgently request our senators and representatives in Congress to use all honorable means to establish at Fort Logan a full tactical division of the United States Army, in conformity with the spirit and terms of this resolution.

Approved: February 15, 1917.

HOUSE JOINT MEMORIAL NO. 3

• (By Mr. M. Studzinski and Senator Dunlap)

FOR THE ESTABLISHMENT AND MAINTENANCE OF A GOVERNMENT PLANT FOR THE MANUFACTURE OF MUNITIONS OF WAR FOR USE BY THE UNITED STATES ARMY AND NAVY, AT THE CITY OF PUEBLO, IN THE STATE OF COLORADO.

TO THE HONORABLE WOODROW WILSON,
PRESIDENT, AND

THE CONGRESS OF THE UNITED STATES OF
AMERICA:

THE TWENTY-FIRST GENERAL ASSEMBLY OF
THE STATE OF COLORADO RESPECTFULLY
REPRESENTS:

WHEREAS, The European War has placed our Nation in the most serious position of international responsibility it has ever experienced and compelled the adoption of a public policy of national military preparedness; and,

WHEREAS, It appears needful and proper for the representatives of the people of the United States in Congress assembled to adopt such measures as shall seem best calculated to afford security to the peace and honor of our nation in that position it is providentially designed to fill among the nations of the world;

WHEREAS, The conflict in Europe strongly emphasized a principal military truth, namely, that the effectiveness of an army or navy in time of war is gauged by its ability to command supplies and munitions, which

necessarily invokes upon the government an obligation, in time of peace, to make timely and ample preparation and provision to meet any and all military emergencies that may arise within the reasonable scope of human foresight; and

WHEREAS, The people of the State of Colorado consider that the present system of private supply of war munitions to the government may result in unjustly imperiling our national security, and deem it essentially necessary to the welfare of our nation that the government of the United States take prompt action for the establishment, maintenance and direct and exclusive control of factories and munition plants for the manufacture of arms, ammunition and munitions of war, solely for use by the United States Army and Navy, and that such factories and munition plants should be distributed and their locations determined upon considerations of accessibility, transportation and manufacturing advantages and safety; and

WHEREAS, The government of the United States has, by depositing within the State of Colorado enormous quantities of gold, indicated the most prominent point of safety and security within the boundaries of our union; and,

WHEREAS, It is submitted that the City of Pueblo, in the State of Colorado, is the most desirable location in the United States for the establishment and maintenance of a government plant for the manufacture of war munitions.

Pueblo is nearer the geographic center of our country than any other city possessing the necessary facilities, lying west of the Mississippi River, between the Alleghenies far to the east and the Sierra Nevadas and Continental Divide on the west, about equal distance between the Canadian and Mexican borders, nine hundred and

twenty-five (925) miles from the Pacific Coast, eight hundred and fifty (850) miles from the Gulf Coast, five hundred and fifty miles (550) from the Mexican border, twelve hundred and fifty (1250) miles from the Atlantic Coast, seven hundred and fifty (750) miles from the Canadian borders, and would prove the most difficult inland point in the United States for a foreign enemy to reach. There is an abundant supply of cokeing coal of finest quality, great quantities of excellent oil from the Florence oil fields, and an inexhaustible supply of limestone close at hand, and the largest discovered deposits of radium ore in the world easily within reach. Pueblo is the site of the largest steel plant west of Chicago and adequate quantities of iron, copper, lead, zinc, nitrates and other metals and materials needed for the manufacture of war munitions are readily available nearby. The Arkansas River runs adjacent to the city and furnishes ample water supply, and electrical power is procurable from a well established transmission company. This city is situated, from a standpoint of transportation practically in the center of the United States, accessible to every part of our country and connected by the Santa Fe, Denver and Rio Grande, Missouri Pacific, Colorado and Southern, Rock Island and Chicago, Burlington and Quincy railroad systems, and enjoys the lowest death rate of any city in the United States, climate of moderate temperatures, abundance of sunshine and dry mountain air, beautiful scenery, and all things which combine for man's moral and physical welfare and uplift; and

WHEREAS, All commercial and industrial associations of the State of Colorado endorse the expressions herein contained;

THEREFORE, Be it Resolved, by the House of Representatives of the Twenty-first General Assembly, the Senate concurring, that your honorable body is hereby advised, requested and recommended to establish and

maintain, by proper measures, at the City of Pueblo in the State of Colorado, a government plant for the manufacture of munitions of war solely for use by the United States Army and Navy; and,

RESOLVED, That the Senators and Representatives of the State of Colorado, now in Congress assembled, are hereby urgently requested to use all honorable means to bring about the result within the contemplation of the spirit and terms of this resolution.

It is directed that this resolution be enrolled and that one copy be sent to the President of the United States, one to the Chairman of the Committee on Military Affairs of the House of Representatives, one to the Chairman of the Committee of War and one to each of the Members representing the State of Colorado in the Senate and House of Representatives and in Congress now assembled.

Approved: February 8, 1917.

HOUSE JOINT MEMORIAL NO. 7

(By Messrs. Girard, Ardourel and Jenkins)

PETITION FOR HEARING BEFORE THE UNITED STATES
TARIFF COMMISSION, FOR TUNGSTEN MINES.

TO THE HONORABLE SENATORS AND REPRESENTATIVES OF THE STATE OF COLORADO, WASHINGTON, D. C.

YOUR MEMORALIST, The Twenty-first General Assembly of the State of Colorado respectfully reports:

WHEREAS, The flood of ores poured into the ports of the United States mined in the cheap labor districts of foreign countries has caused the closing of seventy-five per cent of the tungsten mines of the country, and

WHEREAS, There is ample supply of this valuable ore in our mines to meet any demand that might arise from the blockading of our ports or from any interference with our shipping by a hostile nation, providing our mines are kept open and in a producing condition, and

WHEREAS, It required the pressure of abnormal demand for this metal for more than one year, under war conditions, to bring an active field into a state of full production, therefore,

BE IT RESOLVED, By the House of Representatives of the Twenty-first General Assembly, the Senate concurring, that the Colorado Delegation in Congress be requested to employ all honorable means to arrange for a hearing before the proposed Tariff Commission, at the earliest possible date, where the tungsten miners of the

United States may present their claims for reasonable and adequate protection of the industry.

BE IT FURTHER RESOLVED, That this resolution be enrolled and that a copy be sent to each Colorado member of the United States Senate and House of Representatives.

Approved: February 21, 1917.

HOUSE JOINT MEMORIAL NO. 9

(By Messrs. Furrow, Kelley, Laube, Rodgers and Du Praw)

A REQUEST THAT THE SECRETARY OF THE INTERIOR TAKE IMMEDIATE STEPS TOWARDS THE ESTABLISHMENT OF A FEDERAL MINING AND METALLURGICAL EXPERIMENT STATION AT SILVERTON, COLORADO.

To the Honorable, the Secretary of the Interior of the United States of America, Your Memorialist, the Twenty-first General Assembly of the State of Colorado, respectfully represents that :

WHEREAS, what is known as the Silverton Bill for the establishment of mining and metallurgical experiment stations in various mining states throughout the West is now a law, and,

WHEREAS, under said law experiment stations have been established in various Western States, and,

WHEREAS, the mining regions of what is known as the San Juan, centering at Silverton, San Juan County, Colorado, contains the most extensive, complex, inexhaustible, precious and semi-precious ore bodies of any district in the West, and,

WHEREAS, the future greatness of the mining industry of the Nation largely depends upon the processes to be solved, primarily in the laboratory and experimental stations, under the direct supervision and control of the National Government,

THEREFORE, your Memorialist does respectfully advise, recommend and request that the next Federal

Mining Experiment Station be located at Silverton, San Juan County, Colorado.

It is directed that the Memorial be enrolled and one copy thereof be sent to the Honorable Secretary of the Interior, Washington, D. C., and the Colorado delegation in Congress.

Approved: April 14, 1917.

SENATE JOINT MEMORIAL NO. 1

(By Senators DeBusk and Adams)

WHEREAS, Our sister state, New Mexico, has just sustained a great bereavement in the loss of her Chief Executive, the Hon. E. C. de Baca, and

WHEREAS, We are closely related to our neighboring state, both geographically and in blood relationship to many of her citizens, and

WHEREAS, The death of the Chief Executive occurred at the very beginning of what promised to be a most successful official career, therefore be it

RESOLVED, By the Twenty-first General Assembly of the State of Colorado that we do hereby express our sympathy to our bereaved neighbors and trust that they may be comforted by the thought that God in His infinite wisdom controls all things, and

FURTHER, That a copy of this resolution be sent to the family of the deceased and also to the Secretary of State of New Mexico to be transmitted by him to the secretaries of the House and Senate.

Approved: February 21, 1917.

SENATE CONCURRENT RESOLUTION NO. 2
IRRIGATION PROJECTS

(By Senator McWilliams)

TO THE CONGRESS OF THE UNITED STATES AND HON.
FRANKLIN K. LANE, SECRETARY OF THE INTERIOR.

Your petitioner, The General Assembly of the State of Colorado, respectfully represents: (a) That in the Counties of Routt, Moffat and Rio Blanco, in the north-western part of the State of Colorado, there are large tracts of unimproved land, amounting to several hundred thousand acres in the aggregate, which can be made productive by irrigation.

(b) That in the headwaters of the Bear and White Rivers there is an ample supply of water for large tracts of these lands.

(c) That the cost of diverting, storing and applying the waters to the lands is too great for private enterprise, but is consistent with the value of the returns from the land under irrigation;

WHEREFORE your memorialist earnestly requests that the Reclamation Service establish and build one or more irrigation projects within the territory above mentioned to irrigate as much land as shall be found practicable.

Approved: March 8, 1917.

SENATE CONCURRENT RESOLUTION NO. 4

(By Senator Napier)

FOR THE PROTECTION AND MAINTENANCE OF THE OIL
INDUSTRIES OF THE STATE OF COLORADO.

BE IT RESOLVED, By the Senate of the State of Colorado, the House of Representatives concurring, that:

WHEREAS, Hundreds of citizens of this state have taken oil placer claims under the oil placer mining act, and have complied with the law in good faith, by doing the assessment work required to hold and develop said claims; and

WHEREAS, In many cases these lands have been located and held by prospectors who have expended their time and money for many years in trying to hold and develop these oil placer claims until the conditions and demand for the product would make it possible to operate the same; and

WHEREAS, These lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and

WHEREAS, These locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the government; and

WHEREAS, There is now before Congress a bill known as the Ferris-Phelan bill, H. R. 406, providing for the leasing of all oil and gas lands on the public domain; and

WHEREAS, Lands which have not been withdrawn are affected by said leasing bill in such a way as to jeopardize existing claims of present bona fide locators; therefore be it

RESOLVED, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators and assigns who have held the land in good faith, and have complied with the oil placer mining law, the preferential right to lease the same, on the same terms that may be required from any other applicant, and claims of original locators or assigns having perfected discoveries under the oil placer mining law as recognized by state courts to be exempt from being compelled to lease such lands from the government or pay a royalty burden; be it further

RESOLVED, That a copy of this memorial be sent to the Hon. Charles S. Thomas, Hon. John F. Shafroth, Hon. Ed. T. Taylor, Hon. Edward Keating, Hon. Ben C. Hilliard, and the Hon. C. B. Timberlake, asking their aid in carrying out the object of this resolution.

Approved: February 2, 1917.

SENATE CONCURRENT RESOLUTION NO. 6

(By Senator Mitten)

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO AMEND SECTION 19 OF ARTICLE 5 OF THE CONSTITUTION OF THE STATE OF COLORADO ENTITLED LEGISLATIVE DEPARTMENT.

BE IT RESOLVED BY THE SENATE OF THE TWENTY-FIRST GENERAL ASSEMBLY, the House of Representatives concurring,

That there shall be submitted to the qualified electors of the State of Colorado at the next general election for members of the General Assembly, for their approval or rejection, the following proposed amendments to Section 19 of Article V of the constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the constitution, to-wit:

“Section 19. No act of the General Assembly shall take effect until ninety days after its passage unless in case of emergency (which shall be expressed in the act) the General Assembly shall, by vote of two-thirds of all members elected to each house, otherwise direct. No bill except the general appropriation bill for the expenses of the government only, introduced in either house of the General Assembly after the first fifteen days of the session shall become law.”

BE IT FURTHER RESOLVED that each elector voting at said election and desirous of voting for or against said amendment shall deposit in the ballot box a ticket whereon shall be printed or written the words “For the

Amendment to Section 19 of Article V of the Constitution, shortening the period for introducing bills in the General Assembly," and the words "Against the Amendment to Section 19 of Article V of the Constitution, shortening the period for introducing bills in the General Assembly," and shall indicate his approval or disapproval by placing a cross (X) opposite one or the other of said groups of words on his ballot; and that the votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner prescribed by the laws of the state for the canvass of votes for representatives in Congress.

Approved: March 31, 1917.

SENATE CONCURRENT RESOLUTION NO. 9

(By Senator Hattenbach)

BE IT RESOLVED, by the Senate of the Twenty-first General Assembly of Colorado, the House of Representatives concurring, that the Senators and Representatives from Colorado be petitioned by telegraph immediately, to use their best influence with the War Department to the effect that the Colorado troops now on the Mexican border be disbanded in Colorado, instead of in Fort Russell, Wyoming, as has already been ordered by the War Department. It is only reasonable and just that this disbandment take place in Colorado in order that the mothers, wives, sweethearts and friends of the soldiers shall have the opportunity of visiting them during the time of their encampment before final disbandment. It is further a business and economic advantage to the State of Colorado that these troops be disbanded in Colorado. In our opinion there is no valid reason why this disbandment should not be made in Colorado and there is every reason why such disbandment should take place in Colorado.

We therefore respectfully request immediate action in this connection on the part of our Senators and Representatives at Washington.

Approved: February 23, 1917.

BOON BEST,

Speaker of the House of Representatives.

JAMES A. PULLIAM,

President of the Senate.

JULIUS C. GUNTER,

Governor of the State of Colorado.

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